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ABSTRACT

The State Master Plan for Special Education in Oregon is intended to assist school and district level personnel in their efforts to implement special education programs and services, to provide parents and special interest organizations with information about the rights of the handicapped and the programs and services available, and to assist other public and private agencies in coordinating the provision of special education services. The first major division of the document develops a rationale for the plan and presents the philosophy and definitions of special education in Oregon. The second major division presents major goals and objectives for special education in the state and specifies implementation activities for each objective for two levels of service delivery: State Department of Education (including coordination with other agencies), and Local Education Agencies and Intermediate Education Districts. Each activity is accompanied by a proposed date of achievement for implementation. Individual sections cover the following areas (sample subtopics are in parentheses): rationale for state master plan (litigation and legislative trends); full educational opportunities--a model (individualized education programs); protection of individual rights (protection in evaluation procedures); personnel development (needs assessment); evaluation and data system (classroom requirements); administration and organization (support services); and finance (cocrdination and management of funds). (SBH)

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STATE MASTER PLAN FOR SPECIAL EDUCATION IN OREGON

OREGON STATE BOARD OF EDUCATION

VERNE A. DUNCAN

SUPERINTENDENT OF PUBLIC INSTRUCTION

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The pronouns referring to a child in this document are masculine. The pronouns referring to a parent or teacher are feminine. This practice is not assigning sex roles nor does it imply sex discrimination but is followed to provide consistency in writing and to eliminate the awkwardness resulting from such pronoun techniques as "him/her" or "(s)he."

INTRODUCTION

Purpose

The State Master Plan for Special Education in Oregon is designed to guide the activities necessary to achieve the goal of providing full educational opportunities for all handicapped children by September 1, 1980. It is intended to assist the Legislature, Governor, State Board of Education, Superintendent of Public Instruction, State Director of Special Education and other management personnel of the Department of Education in making policy decisions to improve and expand special education in the state. It is intended to assist school and district level personnel in their efforts to implement special education programs and services. Parents and special interest organizations concerned with handicapped children will find the plan useful as a source of information about the rights of the handicapped to receive an equal educational opportunity and the special education programs and services which are or should be available. Finally, the plan is intended for use by other public and private agencies serving handicapped children to assist in coordinating the provision of special education services by all of the agencies involved.

To accomplish these purposes the State Master Plan is presented in two major divisions:

1. Rationale, Philosophy, and Definitions for a State Master Plan for Special Education

The first major division develops a rationale for this plan and presents the philosophy and definitions of special education in Oregon. As such this portion of the document serves as a base for the plan. While the values represented in these sections are those of the authors and the division, they have been shaped through the involvement of a broad spectrum of people concerned with education of the handicapped.

2. Major Goals and Objectives for Special Education

The second major division presents major goals and objectives for special education in the state and specifies implementation activities for each objective for two levels of service delivery: (a) State Department of Education (including coordination with other state level agencies), and (b) Local Education Agencies and Intermediate Education Districts. Each activity presented is accompanied by a proposed date of achievement for implementation.

Development Process and Contributors

The State Master Plan presented in this document has been developed under contract with the Oregon State Department of Education. The plan was developed as a result of the conviction of State Department personnel and other educators that

current special education services and those to be implemented as a result of the latest state and federal legislation could be better if guided by a comprehensive planning effort.

Staff members of the Special Education Division of the State Department of Education were available to Teaching Research personnel and proved to be invaluable throughout the development of the State Master Plan. Their assistance is hereby acknowledged and greatly appreciated.

From the outset, the evolution of the plan has been monitored by an Ad Hoc Advisory Committee appointed by the State Department of Education. This committee has been most helpful in providing direction and interpreting policy throughout the planning process.

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A first step in the development of the State Master Plan entailed a comprehensive study of special education as it currently exists in Oregon. This was accomplished through an intensive survey of the various agencies which serve handicapped children. The survey included interviews with relevant agency personnel and thorough examination of materials and documents describing agency policies, guidelines, procedures and philosophies.

A second step in the development process was a thorough review of state and federal legislation which affects special education in the state and a review of exemplary plans from other states.

To round out the information gathering process many meetings were held with various groups having special interests relative to handicapped children so that the planning effort could profit from their experience, wisdom and perspectives. Of great assistance in this process was the cooperative effort of the Task Force on Special Education established by the 1975 session of the Oregon Legislature and chaired by State Senator Clifford W. Trow. The administrative staff of that task force joined the Teaching Research staff in identifying many areas where cooperative activities would assist and strengthen both efforts. The assistance of the Task Force on Special Education is gratefully acknowledged.

Conceptualization of the plan and development of its major goals and objectives occurred only after a thorough investigation of all relevant information was completed. Recognizing the importance of the involvement of the people of Oregon in the development of the plan, every effort was made to insure such involvement throughout the project. Major assistance in the development of the plan was achieved through the establishment of a task force which provided direct input to the authors in the design of some components of this plan. At other times the task force reacted to the various concepts and proposed activities as they were developed.

In selecting the 60 individuals who served on the task force, eight criteria were considered. Many of the task force members were qualified in more than one criteria. The criteria used were as follow:

1. Individuals with a knowledge of or an interest in the various handicapping conditions.

   (a) Vision Impaired
   (b) Hearing Impaired
   (c) Speech and Language Impaired
   (d) Physically Handicapped
   (e) Cerebral Palsied
   (f) Epileptic
   (g) Autistic
   (h) Mentally Retarded
   (i) Emotionally Handicapped
   (j) Learning Disabled

2. Individuals representing geographic areas of the state.

   (a) Coast
   (b) Willamette Valley
   (c) Southern Oregon
   (d) Columbia
   (e) Central Oregon
   (f) Eastern Oregon

3. Individuals who are concerned with the administration of services delivered.

   (a) Special Education public
   (b) Special Education private
   (c) Regular Education

4. Individuals who deliver service.

   (a) Special Education
   (b) Regular Education

5. Parents of handicapped persons.

6. Individuals involved with agencies which deliver services.

   (a) Public Agencies
   (b) Private Agencies

7. Individuals from higher education.

   (a) Public Schools
   (b) Private Schools

8. Individuals representing institutions which deliver services.

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RATIONALE FOR A STATE MASTER PLAN FOR SPECIAL EDUCATION

A number of compelling forces point to a need for a State Master Plan for Special Education in Oregon. Litigation over the last twelve years and subsequent legislative action at both the national and state level present overwhelming evidence of the rights of handicapped children to a free appropriate public education. These mandates of law include rationale and directives calling for the development of plans that will insure full educational opportunities for all handicapped children.

An inspection of the legal basis for the delivery of special education in Oregon indicates: (1) there is presently in the existing state laws conflicting statements regarding responsibilities of state agencies for handicapped children; (2) there is discrepancy between law and practice, and (3) there is duplication by state agencies of administrative practices. A need for planning is evident for such data.

Based on these data, a rationale for the State Master Plan is built. It is presented in two parts: (1) litigation and legislative trends, and (2) an overview of state agency responsibility for special education.

Litigation and Legislative Trends

Recognition of the rights of handicapped children to a free appropriate public education has gained significance

only in recent history. While the constitutional rights of all people would seem self evident, the mere existence of these rights do not guarantee their recognition. Sometimes it becomes necessary to enforce these rights through court action. Several court actions affecting handicapped children have focused on the basic right to education.

In Kansas, The Brown vs. Board of Education landmark decision in 1954, dealt with the right of all children to an equal education. The U.S. Supreme Court stated that "The opportunity for education, where the state has undertaken to provide it, must be available to all on equal terms." The Pennsylvania Association for Retarded Children (PARC) vs. Commonwealth of Pennsylvania, 1971, gave all mentally retarded children in the Commonwealth of Pennsylvania access to a free public program of education and training. In Mills vs. the Board of Education of the District of Columbia, 1972, the District of Columbia was ordered to provide free and suitable public education for all children regardless of their mental, physical or emotional disability or impairment. The court order also prevented the District of Columbia from excluding any resident child from such publicly-supported education on the basis of a claim of insufficient resourses. Likewise, in Maryland Association for Retarded Citizens vs. State of Maryland, 1974, the court declared that, "It is the established policy of the State of Maryland to provide a free education to all persons between the ages of five and twenty years, and this

includes children with handicaps and particularly mentally retarded children, regardless of how severely and profoundly retarded they may be."

These actions emphasize two major premises of the right to education. First, that all children, regardless of any handicapping conditions, are entitled to an education and second, that when a state undertakes the responsibility of education for a child and does so through the use of public funds and programs, the state must assume full financial responsibility for all children.

In addition to the court upholding the right to equal education for all children, the courts in the PARC vs. Commonwealth of Pennsylvania and Mills decision provided due process procedures for all handicapped children. Specifically, the PARC vs. Commonwealth of Pennsylvania stipulated that, "No child who is mentally retarded can be assigned initially or re-assigned to either a regular or special educational status or excluded from a public education, without a prior recorded hearing before a special hearing officer." Although this decision specified only mentally retarded children, in the later Mills decision the court ordered implementation of due process procedures for all handicapped children.

Following these decisions, two states, Tennessee and Massachusetts, enacted laws in 1972 that specified due process procedures for all children and their parents. By October of

1974, the State-Federal Clearinghouse for Exceptional Children reported that twelve states had statutes requiring due process procedures, and thirteen states were required by regulation to provide due process.

Recognizing the need for education of handicapped children on a national level the federal government in 1974 included amendments to Public Law 93-380 Part B - Education of the Handicapped which provided that applicants for federal assistance would insure: (1) a goal of full educational opportunities for all handicapped children; (2) that funds expended would be used to accomplish that goal, and (3) procedural safeguards for handicapped children and their parents or guardians.

Close behind the amendments to PL 93-380, however, was a more comprehensive piece of legislation relative to handicapped children and their right to education. In November 1975 President Ford signed into law The Education for All Handicapped Children Act of 1975, Public Law 94-142. This law commonly referred to as "The Bill of Rights for Handicapped Children," addresses all current issues of equal educational opportunities.

PL 94-142 prescribes that each state establish priorities for providing a free appropriate public education to all handicapped children, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education.

It specifies this priority for both the state educational agency and local educational agencies. PL 94-142 makes a number of additional critical stipulations which also must be adhered to by both the state and its local districts. These stipulations include:

1. Assurance of extensive child identification procedures.
2. Assurance of a full service goal and a detailed time table achieving that goal.
3. Guarantee of complete due process procedures.
4. Assurance of regular parent or guardian consultation.
5. Maintenance of program and procedures for comprehensive personnel development including inservice training.
6. Assurance that special education will be provided to all handicapped children in the "least restrictive" environment.
7. Assurance of non-discriminatory testing and evaluation.
8. Guarantee of policies and procedures to protect the confidentiality of data and information.
9. Assurance of the maintenance of an individualized program for all handicapped children.
10. Assurance of an effective policy which guarantees the right of all handicapped children to a free appropriate education at no cost to parents or guardians.
11. Assurance of a surrogate to act for any child whose parents or guardians are either unknown or unavailable, or when said child is a ward of the state.

The law provides a special incentive to encourage states to provide special education and related services to its preschool handicapped children. The law also provides for the establishment of an advisory council, appointed by the Governor or any other official authorized under state law to make such appointments, which must include individuals involved or concerned with the education of handicapped children, teachers, parents or guardians of handicapped children, handicapped individuals, state and local education officials, and administrators of programs for handicapped children.

This Act establishes a formula in which the federal government makes a commitment to pay a maximum amount equal to a gradually escalating percentage of the national average expenditure per public school child times the number of handicapped children being served in the school districts of each state in the nation. The percentage escalates annually until Fiscal Year 1982 when it becomes a permanent 40% for that year and all subsequent years. The formula carries an inflation factor which states that the amount of funding fluctuates with inflationary/deflationary adjustments in the national average per pupil expenditure.

The measure prohibits, for the purposes of funding, counting more than 12% of all children ages 5 through 17 in the state as handicapped. In addition, not more than 2% of all children ages 5 through 17 may be counted as handicapped children if they are diagnosed as having specific learning

disabilities.

Significant in both PL 94-142 and its predecessor, PL 93-380, is the stipulation that planning must occur at the state level. Both laws specified that state plans will be developed which contain assurance of the provisions for full educational opportunities for all handicapped children.

Following, and in some cases anticipating national trends, Oregon has moved significantly toward provisions of appropriate education for all handicapped children. In June, 1972, a task force was appointed by the State Board of Education to review Oregon's special education statutes and make recommendations to the State Board of Education consistent with current national and state trends.

As a result of many public meetings and work sessions, two pieces of legislation emerged. The first of these was House Bill 2444. The bill, passed in the 1973 Legislative Session, amended the Compulsory School Attendance Statute by removing the exclusion clauses in the law which had previously allowed school districts to refuse service to certain handicapped children. The amended law now required public schools to provide handicapped children with instruction either in a regularly scheduled instructional program, at home, in a hospital or in an institution. An attorney general's opinion on House Bill 2444 stated that school districts not having special education programs of their own may pay private school tuition costs for their handicapped students, and that such tuition is not limited to the per capita cost of educating non-handicapped children.

The second piece of legislation which emerged from the task force was Senate Bill 157 which was passed by the 1975 legislature. However, impacting on the considerations of the legislature was the 1974 report of the Committee on Equal Educational Opportunity. Recommendations 9 and 10 of this committee suggested that:

1. The legislature should require the development of a comprehensive plan to finance special education.
2. The legislature should provide adequate funds to pay for the excess costs of special education services for all handicapped children in the state.

The major provisions of Senate Bill 157 which became law:

1. Provided for the removal of categorization of children by handicapping conditions. Handicapped children were defined as those who have been traditionally designated as mentally retarded, socially or emotionally maladjusted, emotionally handicapped, blind, partially sighted, deaf, hard of hearing, speech defective, physically handicapped or chronically ill, extreme learning problems, learning disabilities or individuals who are pregnant. However, the revised law did not limit special education to those categories and was designed to include any child who needed special education because of mental, physical, emotional or learning problems.
2. Provided for protection of the handicapped individual and his family.

3. Defined handicapped children as all persons under 21 years of age who require special education in order to obtain the education of which they are capable.
4. Defined special education as including "special instruction of handicapped children in or in addition to regular classes, special classes, special schools, special services, home instruction and hospital instruction."
5. Defined special services to include transportation, reader service, volunteer services to enhance special education programs, special equipment, psychometric testing and other materials and services as are approved by the Superintendent of Public Instruction.
6. Provided that the district can provide the education themselves or can contract with other public or private agencies or organizations. In order to provide special education for handicapped children a school board of any district in which there are children under 21 years of age who require special education, submits an annual projected activities plan and cost statement to the Superintendent of Public Instruction for a program of special education for the district's handicapped children.
7. Provided for a school district to be reimbursed, in addition to the Basic School Support Fund, 30% of the approved cost of providing special education or its equal prorated share of funds available.

8. Permitted the establishment of a local advisory council in every school district or combination of districts or intermediate education district.
9. Required a state advisory council for handicapped children.

With this legislation Oregon recognized its responsibility to handicapped children and set in motion procedures for meeting that responsibility.

Further evidence that the people of Oregon are cognizant of their responsibility for providing appropriate education for handicapped children are two budget notes attached to Senate Bill 5514 from the 1975 Legislative Assembly.

The first stated:

> Under current statutes, the funding and delivery of services to children who are included in Special Education and are not enrolled in a regular classroom program in their resident school district is fragmented throughout the Children's Services Division of the Department of Human Resources, the Mental Health Division and the Department of Human Resources and the Department of Education.
>
> It is recommended that a special task force be established to serve during this biennium to:
>
> (a) Catalog all of the current programs and develop complete information as to the program costs, identifying costs and responsibilities to each of the three agencies indicated above. Costs shall be segregated by source of funds.
>
> (b) Review and define the problems of each agency in providing services to children.
>
> (c) Review existing statutes and prepare recommendations to the next Legislative Assembly which will clearly define:

(1) Funding responsibilities.
(2) Each state agency's responsibilities.
(3) Local government responsibilities.
(4) Clear definition of the clients to be served.

That Task Force on Special Education was established, has completed its work, and has delivered a report to the 1977 Legislative Assembly. The report specifies recommendations and legislation to support the provision of appropriate education for handicapped children.

The second budget note called for "a detailed study of the students and programs supported by General Fund Grants to the school district for the Special Education of Handicapped." The study was conducted in 1976 under contract to Arthur Young Company, a private accounting firm. The study indicated many inconsistencies in funding procedures and suggested two alternate formulas, and auditing procedures for correcting those inconsistencies.

Summary

Three points of significance are relevant from the above discussion:

1. The legal right to a free appropriate public education has been established for all handicapped children.
2. The responsibility of educating handicapped children has been placed directly on local resident districts.
3. Legislative steps have been taken to insure that right and responsibility.

The resulting legislative mandates, however, must be implemented in an efficient orderly manner throughout the state for all handicapped children. This can only occur

through a unified planning effort. Both federal and state law recognize this fact and specify that planning must occur. This State Master Plan for Special Education was prepared in response to that mandate.

Overview of State Agency Responsibility for Special Education

The discussion which follows summarizes the present responsibilities of the major agencies which impact on special education.

The information presented here was collected and synthesized as a result of three independent acitivities. First, as a part of the early development of this state plan, a survey of all state level agencies which provide direct and/or indirect services to handicapped individuals and thereby may have impact on special education in the state was conducted. The purpose of the survey was to determine the special education responsibility of agencies as specified by law and to further determine which practices resulting from legal authority might produce conflicting or uncertain services between agencies. The survey was conducted through interviews with appropriate personnel at each agency contacted.

Simultaneously with the development of this plan, two studies were conducted as a result of budget notes of House Bill 5514 from the 1975 legislature: (1) A Legislative Task Force on Special Education was authorized to catalog, review, and define programs, problems, and responsibilities of special education in Oregon, and (2) Arthur Young Company, an independent accounting firm, was contracted to conduct

"A Study of the Students and Programs Supported by General Fund Grants to School Districts for the Special Education of Handicapped Children." Information provided by the reports of these two studies was used to determine the reliability of data resulting from the survey and, in some cases, provide additional data for this overview of responsibility.

Personnel at a total of twenty-five different state level agencies and organizations were interviewed as a part of the survey. Of those agencies surveyed only eleven were engaged in some kind of special education service provision. Analysis of those services indicated that four major agencies, State Department of Education (SDE), Mental Health Division, Department of Human Resources (MHD), and Children's Services Division, Department of Human Resources (CSD), and Vocational Rehabilitation Division, Department of Human Resources (VRD), were the main providers of special education in the state. These four agencies will be the major focus of this discussion with other agencies cited as appropriate. As this discussion proceeds, the discrepancy between law and rule as promulgated by a state agency will be highlighted, as well as the overlapping responsibilities of the four agencies.

The provision of special education in the State of Oregon as specified in Chapters 343 and 346, Oregon Revised Statutes (ORS), is basically the responsibility of the State Department of Education under the supervision of the Superintendent of Public Education and the State Board of Education. However,

Oregon law also provides for special education and/or related services to be provided by MHD, CSD, and certain other agencies. These mandates of state law are sometimes overlapping relative to populations served and service provided. Furthermore, federal laws which provide service impetus for state agencies are not consistent in their definitions of populations to be served and/or services to be provided. The lack of clarity in these laws creates a confusion for service providers at all levels, and separation of agencies due to established state bureaucracy often creates a lack of coordination of service provision. As mentioned earlier, these problems and their suggested solution through a planning effort can best be explored through a discussion of agency responsibilities and the authority for that responsibility.

State Department of Education

The State Department of Education, acting as the facilitating agency for the Superintendent of Public Instruction and the State Board of Education, has the basic responsibility for special education in Oregon as specified in ORS Chapters 343 and 346. "Responsibility" as defined for SDE covers four basic areas.

1. To establish and administer standards and other criteria for special education programs established under Chapter 343 (ORS 343.045, ORS 343.055). This essentially means insuring compliance with the rules for special education

programs in all school districts (LEA's and IED's), regional services for sensory impaired, residential facilities for sensory impaired, educational services for certain specified hospitalized children, certain specified private residential care facilities, and the state hospitals and training centers for the mentally retarded.

2. To maintain a qualified staff that can supervise and "assist the school districts, county and regional facilities, and hospitals in the organization and development of special programs authorized" and "have general supervision of such programs, and assist in obtaining required services, equipment and materials" (ORS 343.065).
3. To establish classes at the state hospitals for the mentally ill and at the University of Oregon Health Sciences Center (ORS 343.261), and operate the Oregon State Schools for the Deaf and for the Blind (ORS 346.010 to 346.070).
4. To fund special education programs through: (a) partial reimbursement for school district special education costs (ORS 343.281); (b) line item funding of residential facilities in 3. above, or (c) the allocation of federal funds (PL 93-380, PL 94-142).

While the state statutes specify in further detail SDE responsibility, the above four areas summarize the major focus of that responsibility.

Important to this discussion also is the population specified by state statute and/or administrative rules for which SDE programs are responsible. Oregon Administrative Rule (OAR) 581-15-050 (promulgated under ORS 343.045; 343.055; 343.227(1)) establishes minimum criteria for determining the eligibility of children to receive special education. This eligibility includes: (1) blind or partially sighted; (2) deaf and hard of hearing; (3) speech and language impaired; (4) physically handicapped or chronically ill; (5) learning disabled; (6) emotionally handicapped; (7) mentally retarded, and (8) individuals who are pregnant.

Public Law 94-142, the federal legislation which supplies much of the impetus for this State Master Plan, has two components which are mentioned here in relation to SDE responsibility. First, the federal law states in Section 612(6):

> "The state educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for handicapped children within the state, including all such programs administered by any other state or local agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the state educational agency and shall meet educational standards of the state educational agency."

PL 94-142 further identifies handicapped children as being: (1) mentally retarded; (2) hard of hearing; (3) deaf; (4) speech impaired; (5) visually handicapped; (6) seriously emotionally disturbed; (7) orthopedically impaired; (8) other health impaired, and (9) specific learning disabled. Comparison with the handicapping conditions specified earlier by

state rules will indicate that the two lists are compatible.

Thus the existing state law as cited in Chapter 343 is in compliance with the federal law. The handicapping conditions as specified by OAR are also compatible with federal law. Yet OAR 581-15-050 specifies handicapping conditions, whereas the intent of Chapter 621 O.L. 1975 eliminated categories to allow maximum flexibility at the local level. OAR 581-15-050 and the existing state law must be brought into consonance.

Mental Health Division

The Mental Health Division (MHD) of the Department of Human Resources has two basic responsibilities relative to special education. Oregon statutes (430.760 to 430.810) charge MHD with responsibility for establishing and/or supporting programs for the Trainable Mentally Retarded (TMR). MHD is authorized to contract with local school districts, county districts, or private agencies to: (1) provide classes for TMR children; (2) provide diagnostic or evaluation services, and (3) to provide counseling or training for parents of mentally retarded children. MHD further sets standards for these programs, determines eligibility for participation and reimburses approved costs.

The second basic responsibility of MHD to special education programs is the payment for and operation of programs at state hospitals and training centers for the mentally retarded

(ORS 343.975). These include Fairview Hospital and Training Center, Columbia Park Hospital and Training Center and Eastern Oregon Hospital and Training Center. Setting standards and approval for educational programs at these facilities, however, are the responsibility of SDE (ORS 343.975).

MHD also operates under several general mandates of state law which can be interpreted as responsibility for the education of handicapped children. ORS 430.021 sets forth that:

1. The Mental Health Division is responsible for the administration of the state mental health programs and the mental health laws of the state.
2. The division shall direct, promote, correlate and coordinate all the activities, duties and direct services for the mentally or emotionally disturbed, mentally retarded and developmentally disabled, alcoholic and drug dependent persons; and promote, correlate and coordinate the mental health activities of all governmental organizations throughout the state in which there is any direct contact with mental health programs.

A further breakdown of specific conditions identified under developmentally disabled (PL 94-103, CFR 45, Part 1385.2 (b)) would expand the above list to include a disability attributable to: (1) mental retardation; (2) cerebral palsy; (3) epilepsy, and (4) autism.

This description of service provision appears to include a responsibility for some of the same children (mentally retarded, emotionally disturbed, cerebral palsied, epileptic and autistic) specified in a list of handicapping conditions under OAR 581-15-050.

Thus, amendments to the law are necessary to insure that SDE is given responsibility for setting standards and monitoring effectiveness of special education programs currently under the jurisdiction of the Mental Health Division. Until recommendations to enact these changes can be made in the 1979 Legislature, cooperative agreements between SDE and MHD must be effected to achieve compliance with federal law (PL 94-142) which stipulates that SDE must set standards and monitor all special education programs. This recommendation is not to be construed to mean that the TMR program, presently conducted by the MHD, should be transferred to SDE for operational control. On the contrary, that transfer should not be made until SDE has the necessary administrative organization in place to maintain the current excellence of the TMR program. SDE must, however, set standards in compliance with PL 94-142 and monitor the implementation of these standards.

Children's Services Division

Children's Services Division (CSD) of the Department of Human Resources has only one responsibility directly related to special education. CSD is charged with paying

the cost of education for children under its care who are located in eighteen specified private residential care facilities (ORS 343.960). SDE is responsible, under the same ORS, for approving the educational programs for children living in these facilities.

Children residing and/or using the facilities of the specified residential care centers are generally classified as emotionally disturbed. Three of the programs, however, primarily serve pregnant individuals and one program includes TMR children.

Other broad mandates of law, similar to those for MHD, provide for CSD service responsibility for handicapped children which interface with special education. ORS 418.015 states:

1. The Children's Services Division may, at its discretion, accept custody of children and may provide care, support, and protective services for children who are handicapped by dependency, neglect, illegitimate birth, mental or physical disability or who, for other reasons, are in need of public service.

2. The Children's Services Division shall accept any child placed in its custody by a court under, but not limited to, ORS Chapter 419 and shall provide such services for the child as the Division finds to be necessary.

Custody of a handicapped child places CSD in the role of legal guardian or the "parent" role relative to educational decisions. This fact, plus the stipulation in 2. above that CSD shall provide such services for the child as the Division finds to be necessary, has altered the designers of this plan to the coordination needed for services to children in CSD custody.

Vocational Rehabilitation Division, Department of Human Resources

The Vocational Rehabilitation Division (VRD), under ORS Chapter 344, provides vocational rehabilitation services to all eligible disabled persons except the blind and those persons whose disability falls within the definition of legal blindness, or those persons whose condition is of a progressive nature that may lead to blindness. This disability group is the responsibility of the Oregon Commission for the Blind. The statutes further define a disabled individual as "any person who has a substantial occupational handicap due to a physical or mental condition" (ORS 344.511). Rehabilitation services, then, in terms of education as prescribed by individual training plans for clients under 21, could easily fall within the definition of special education in ORS 343.035. Such special education does, in fact, occur under VRD through their involvement with sheltered workshops and activity centers and their cooperative training agreements with school districts.

Once again, amendments to law are necessary and must be prepared for the 1979 Legislature. In the meantime cooperative agreements must be effected between VRD and SDE to ensure compliance with PL 94-142.

Other Agencies

In addition there are other agencies at the state level which provide special education to a limited population or provide related services such as diagnosis or medical treatment, and are funded through state and/or federal monies designated for special education. Examples of these agencies include:

1. Crippled Children's Division, University of Oregon Medical School.
2. Center for Human Development, University of Oregon.
3. Education Evaluation Center, Oregon College of Education.
4. State Training and Technical Assistance Office (Head Start), Division of Continuing Education.

Summary

Responsibility for special education and/or related services at the state level falls into the following categories:

1. Responsibility for setting program standards and evaluating compliance with those standards.
2. Operation or contracting for the operation of programs.
3. Funding or facilitating the funding of programs.

As indicated in the preceding discussion of the responsibilities of the SDE, MHD, CSD, and VRD these three general categories are often split between agencies for specific programs. The direct service provider, i.e., the LEA, IED, regional facility, or private or public residential facility, is often faced with having to determine which service is to be provided by which agency for which population of children or program. Multiple form completion and duplication of data reporting only add to the confusion for the direct service provider. Added confusion is predictable for the school district which must interface with multiple agencies due to varied programs within the district.

Financing of special education becomes another problem for such districts. Beginning with local district funds and adding claims for reimbursement from at least two state agencies plus satisfying criteria for available federal funds creates major district accounting problems.

Solutions to these and other problems in special education at the state level are not easy. They will take coordinated assessment, coordinated planning, and coordinated implementation of those plans. They will require the preparation of clarifying legislation and cooperative agreements.

What will a state master plan do for Oregon's handicapped children?

It will provide uniformity for the delivery of special education and it will provide coordination for the delivery of special education.

A PHILOSOPHY OF SPECIAL EDUCATION

Special Education differs from the regular school program because it is designed for the child who deviates intellectually, physically, socially, or emotionally to such a degree from what is considered to be normal growth and development, that he cannot receive maximum benefit from a regular school program and requires a special program or supplementary instruction and services.

Democracy accepts the responsibility for the education of all children. Every state constitution indicates that the education of children is of paramount importance to the existence of the state. Education is sufficiently important that the state reserves it as its own right, delegating it to communities and to parents only under rigid conditions and never absolving itself of final responsibility. The importance of education for <u>all</u> children is stressed through state statutes. Thus special methods and provisions must be developed for children who, by reason of a physical, intellectual, or social difference, are termed exceptional and who often cannot be educated within the typical frame of reference deemed appropriate for the normal child.

The exceptional child is a child with differences and it is these differences with which special educators must work. It is the differences which have dictated legislation at the state and federal levels. If it were not for the

differences, there would be no reason for special education. Special education exists because some children present problems which cannot be readily solved by regular education.

The special education developed for these children not only acknowledges the differences they possess but it also identifies the similarities that are present. The similarities which are manifested across a majority of exceptional children have been utilized to plan a uniform educational framework. This special education structure has as its foundation the following premises: Every child, regardless of exceptionality, can learn. If a child is not learning, the fault lies not with the child but with the educational setting. The child will learn at his maximum rate of potential only if the teacher has identified and utilized the correct combination of instructional factors. If the child is not learning, the teacher must search for alternatives to enable the child to achieve. These alternatives should be introducted systematically to insure that the data which result from the child's attempt to perform the learning required, can be carefully monitored on a regular basis and that an analysis of effects produced can be made.

Most handicapped children learn in the same way as normal children, only more slowly. Because a handicapped child learns more slowly than a normal child, he requires a more extensive and intensive education to compensate for his slower learning rate. This implies a longer period of time spent on educational activities but, because it is generally impossible to extend

the school day, the extended period of education must be implemented in the home with the parents assuming the responsibility of conducting part of the instruction.

There is no way of determining the extent to which a child will progress. Therefore, no ceiling is placed on the curriculum; the system must be prepared to take the child as far as he can go. The curriculum must range from very basic skills such as toilet training, eating, and dressing, to advanced academic skills.

Because of the wide range of individual abilities among handicapped populations and the existing need for intensive instruction, the classroom for the exceptional child must concentrate on individualized programs. All materials must be sequenced to meet the wide range of individual needs.

Because of the wide range of individual differences in the exceptional population and, oftentimes, their unmanageability due to previous ineffective home training, effective instruction can oftentimes only be achieved in a one-to-one relationship. In many instances, the utilization of paraprofessionals to provide individualized instruction in the classroom is considered mandatory.

The educational setting in which the exceptional child is instructed must be as similar to the normal educational environment as possible and yet still allow the exceptional child to progress at his optimal rate. Restrictions to acquiring normalization must be minimized.

The philosophy presented herein and its accompanying educational premises are the bases on which the remainder of this plan is predicated. Legislative mandates, resource allocations and planning activities are all designed to make the aspirations of this philosophy a reality.

DEFINITIONS OF SPECIAL EDUCATION

To promote a common understanding of the goals of special education by all persons involved, definitions must be presented which bring those goals into a common focus. Some of the definitions needed for this purpose are formulated and mandated by law and, therefore, provide a basic guide for all to follow. Other definitions result from use of terminology in practices in the field and must be identified for common understanding when used. Throughout this State Master Plan terminology is used and references are made which call for common definitions to be identified. Presented in the following pages is a compilation of those definitions. The list includes only those definitions which are pertinent to this plan and is not intended to be an exhaustive list of all terms used in the field of special education.

Of major importance to the state planning effort for special education are definitions of the basic service to be provided and identification of the individuals who will be recipients of that service. Therefore, the definitions for special education, handicapped children, and special or related services are presented first. Both the state and federal definitions are included.

Special Education

State ORS 343.035(3)

> "Special education" includes special instruction for handicapped children in or in addition to regular classes, special classes, special schools, special services, home instruction and hospital instruction.

Federal PL 94-142 Section 602 (20U.S.C.1402)

> The term 'special education' means specifically designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

As may be noted the state and federal definitions of "special education" are similar and do not present major problems for program direction.

Handicapped Children

A greater difference may be seen in the definitions of "handicapped children".

State ORS 343.035(2)

> "Handicapped children" includes all persons under 21 years of age who require special education in order to obtain the education of which they are capable, because of mental, physical, emotional or learning problems. These groups include, but are not limited to those categories that have traditionally been designated: Mentally retarded, socially or emotionally maladjusted, emotionally handicapped, blind, partially sighted, deaf, hard of hearing, speech defective, physically handicapped or chronically ill, extreme learning problems, learning disabilities, or individuals who are pregnant.

The Oregon definition for handicapped children established as part of Chapter 621 O.L. during the 1975 session of the legislature, is intended to remove categorization of children by handicapping condition. While traditional categories are listed, the

law does not limit special education to those categories. The emphasis is on any child who needs special education due to a mental, physical, emotional or learning problem.

The federal definition of handicapped children, however, is more limiting due to the specification of categories to be included.

> Federal. PL 94-142 (Proposed Rules) Assistance to States for Education of Handicapped Children 121a.4 Definitions
>
> "Handicapped children" means those children evaluated as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, or as having specific learning disabilities, who because of those impairments need special education and related services.

While the federal definition categories must be used for child count activities in connection with 94-142, Oregon law allows for greater flexibility of service to all handicapped children and should be used relative to this State Master Plan. For purposes of the federal child count, a matching of the traditional category definitions in Oregon law and the federal category definitions follows.

State (OAR 581-15-050(5))	Federal PL 94-142 Proposed Rules 121a.4
Blind Child A blind child is one whose corrected vision in the better eye is 20/200 or less or whose visual field is restricted to twenty degrees or less.	Visually Handicapped A visual impairment which, after correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.
Partially Sighted Child A partially sighted child is one whose corrected vision in	

the better eye is 20/70 or less or who cannot function at an academic level commensurate with his/her mental ability because of an eye problem.

Deaf Child

A deaf child is one in whom the sense of hearing is nonfunctional even with a hearing aid and who is unable to understand speech and develop language successfully without specialized instruction.

Hard of Hearing Child

A hard of hearing child is one in whom the sense of hearing, although defective, is functional with or without a hearing aid and who develops speech and language through hearing.

Speech and Language Impaired

A child is considered to be speech and language impaired when:

(1) there is difficulty in one or a combination of the four areas of speech: articulation, phonation, rhythm, and symbolization;

(2) the child's speech deviates from the accepted general development age norms;

(3) the speech difficulties interfere with communication; or

(4) the speech difficulties cause emotional stress.

Deaf

A hearing impairment which is so severe that the child's hearing is nonfunctional for the purposes of educational performance.

Hard of Hearing

A hearing impairment whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition "deaf" in this section.

Speech Impaired

A communication disorder, such as stuttering, impaired articulation, or a voice impairment, which adversely affects a child's educational performance.

Physically Handicapped or Chronically Ill

Physically handicapped children are children who are disabled by motor impairments or chronic illness which requires them to have home instruction, special transportation, special equipment or other specialized services to meet their emotional needs.

Learning Disabled Children

Learning disabled children are not mentally retarded, but show an inability to profit from regular classroom methods and materials without special educational help. They may be, or will become, extreme underachievers in reading, spelling, writing, or arithmetic. This performance deficit may manifest itself in mild to severe difficulties with perception (the ability to attach meaning to sensory stimuli) conceptualization, language, memory, motor skills, or control of attention. The

Orthopedically Impaired

A severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.

Other Health Impaired

Limited strength, vitality, or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.

Specific Learning Disability

A disorder in one or more of the basic psychological processes involved in understanding or in using language spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

broad category of learning disabilities includes children described by such terms as extreme learning problems, dyslexia, brain injured, neurologically impaired or handicapped, minimal brain dysfunction, and educationally handicapped.

Emotionally Handicapped Children

Emotionally handicapped children require special education in order to obtain the education of which they are capable because they are socially or emotionally maladjusted to the extent that they cannot make satisfactory progress in the regular school program. These children, because of organic and/or environmental influences, exhibit one or more of the following characteristics over an extended period of time and to a marked degree:

(1) an inability to learn at a rate commensurate with their intellectual, sensory-motor, and physical development;

(2) an inability to establish or maintain satisfactory interpersonal relationships with peers, parents, or teachers;

(3) an inability to respond appropriately in day-to-day life situations;

(4) a variety of excessive behavior ranging from hyperactive, impulsive responses to depression and withdrawal or,

(5) a tendency to develop physical symptoms, pains, or fears associated with personal, social, or school problems.

The term does not include children who have learning problems, which are primarily the result of visual, hearing, of motor handicaps, of mental retardation, or of environmental cultural, or economic disadvantages.

Seriously Emotionally Disturbed

A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: an inability to learn which cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, or fears associated with personal or school problems. The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted but not emotionally disturbed.

Mentally Retarded

Mentally retarded children exhibit significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period.

Mentally Retarded

Significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

Special Services or Related Services

The state and federal definitions of services related to special education are similar and appear to be compatible.

State ORS 343.035(4)

"Special services" includes transportation, reader service, volunteer services to enhance special education programs, special equipment, psychometric testing and such other materials and services as are approved by the Superintendent of Public Instruction.

Federal PL 94-142 (Proposed Rules) Assistance to states for Education of Handicapped Children 121a.4 Definitions

"Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school social work services, parent counseling and training, providing parents with information about child development, and assisting parents in understanding the special needs of their child.

State Master Plan Terminology

Included below are terms and definitions used in this State Master Plan. These terms are included to assist the user of this plan and promote common usage of these terms throughout the state.

Alternative Placement - The provision of a learning environment along the continuum of least restrictive learning environments which best meets the unique needs of the handicapped child.

Approved Costs - Those special education costs identified by state administrative rules as being eligible for reimbursement.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances, and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning.

Awareness - The process by which the general public and/or education community is informed of: (1) indicators in their environment which might signal a handicapping condition; (2) educational opportunities available for handicapped children; (3) the rights of children, and (4) appropriate contacts to which a referral of children can be made for service.

Cerebral Palsy - A disorder dating from birth or early infancy, non-progressive, characterized by aberrations of motor function (paralysis, weakness, uncoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

CFR - Code of Federal Regulations.

Competency Based - The demonstrated ability to bring about the expected outcomes of a role or function included in a pre-established definition.

Confidentiality of Information - The protection of personally identifiable data pertaining to a handicapped individual.

Criterion Referenced Testing - Testing deliberately constructed to yield measurements that are directly interpretable in terms of special performance standards.

CSD - Children's Services Division, Department of Human Resources.

Demographic Data - Vital statistics related to the handicapped child population in Oregon such as numbers, location, age and type of handicapping condition.

Developmental Disability - A disability attributable to mental retardation, cerebral palsy, epilepsy, or other neurological condition of an individual which is closely related to mental retardation or to require similar treatment, and which

originates in childhood, is likely to continue throughout his life, and constitutes a substantial handicap.

Diagnosis - The process whereby a suspected condition is confirmed or not confirmed and information is obtained relative to the kind and content of the educational program needed.

Due Process - The process by which the individual rights of a child and his parents are protected in the provision of full educational opportunities.

Educational Environment - The environment selected for implementation of a child's learning experiences.

Epilepsy - A chronic symptom of cerebral dysfunction, characterized by recurrent attacks involving changes in the state of consciousness, sudden in onset and brief in duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Evaluation - The process of examining certain objects and events in the light of specified standards for the purpose of making adaptive decisions.

Excess Cost - Those costs of educating a child in a special education program which exceed the average per pupil costs of a district.

IED - Intermediate Education District.

Implementation - The provision of the services specified in a child's IEP.

Individualized Education Program (IEP) - A written statement developed for each handicapped child served which includes: (1) the present level of educational performance of the child; (2) long term objectives; (3) short term instructional objectives; (4) specific educational services to be provided; (5) appropriate objective criteria and evaluation procedures and schedules, and (6) the projected date for initiation and anticipated duration of the program services.

LEA - Local Education Agency - The local school district which is responsible for the education of all residential children.

Least Restrictive Placement - A continuum of services which: (1) best meets the program needs of individual children, and (2) to the maximum extent possible, allows a child's education to occur with children who are not handicapped.

Long Term Objective - Statements describing the expected behaviors to be achieved during the current academic year through the implementation of the child's IEP.

MHD - Mental Health Division, Department of Human Resources.

Non-Discriminatory Testing - Testing and evaluation materials and procedures utilized for the purpose of diagnosis and placement of handicapped children. Selected and administered so as not to be racially or culturally discriminatory.

Normative Testing - Testing of a child's performance in comparison with a normative group of individuals.

ORS - Oregon Revised Statutes.

Placement - The educational environment in which a handicapped child's educational program is conducted.

Procedural Safeguards - The protection of the rights of a child and his parents or guardians in the provision of full educational opportunities.

Prorata - The disbursement of existing funds, on a per capita base, to school districts.

Referral - The reporting of children to appropriate points of contact for service.

Screening - A procedure to gather preliminary information about a suspected handicapping condition allowing for decisions to be made about the need for further diagnosis. A process for separating individual children who might need special education services from the total group of children.

SDE - State Department of Education.

Search - The canvassing of school populations to identify suspected handicapped children.

Short Term Objective - Statements describing, in specific objective and measurable terms, the intermediate steps in the accomplishment of long term objectives.

VRD - Vocational Rehabilitation Division, Department of Human Resources.

MAJOR GOALS AND OBJECTIVES FOR THE PROVISION OF SPECIAL EDUCATION

The major goal of special education in Oregon is and must be:

> To identify all handicapped children and provide them with a free appropriate public education.

Oregon, in many ways, is well along the route to making this goal a statement of fact. Basic legislation exists, and state leaders are committed philosophically and operationally to this goal. As indicated in the preceding sections of this document, however, much work remains to be done. The following sections of this plan are designed to provide benchmarks to assist legislators in providing needed laws and to guide the individual and collective efforts of special education personnel at all levels in accomplishing that work. Each section includes a goal statement and an overview of the area addressed, and objectives and implementation activities to accomplish the stated goals.

FULL EDUCATIONAL OPPORTUNITIES: A MODEL

Goal Statement:

Full educational opportunities will be provided for all handicapped children through 21 years of age in Oregon by 1980.

The ultimate focus of the goal of full educational opportunities is the orderly redevelopment of special education delivery systems within which the unique needs of each handicapped child are met through the provision of an Individualized Education Program (IEP). Such a system should be characterized by: (1) a means for the identification of all children with handicapping conditions; (2) diagnosis of their specific learning problems; (3) placement in an appropriate learning environment; (4) prescription of an individualized education program, and (5) evaluation of the effectiveness of each child's individualized program.

The earliest possible identification, diagnosis, placement, prescription and evaluation must be insured for each child to prevent compounding later problems. The process must be comprehensive in its scope, addressing the wide array of factors which affect learning. The process must concern itself with prescribing appropriate learning experiences for the individual child, in terms of each child's specific and unique learning needs.

FULL EDUCATIONAL OPPORTUNITIES: A MODEL

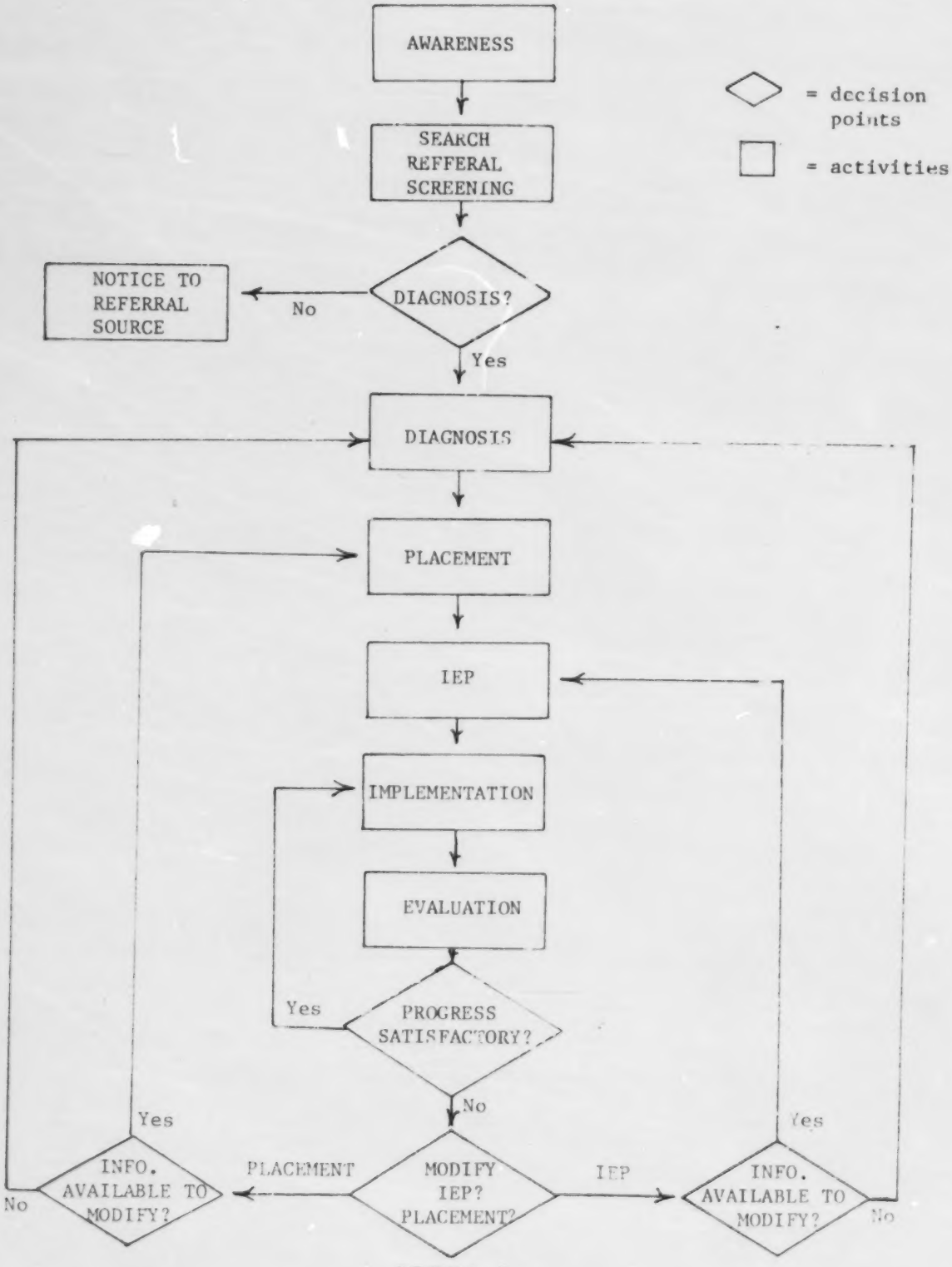


FIGURE 1

This section of the State Master Plan presents a model for providing full educational opportunities for handicapped children in Oregon. The model recommended has a sequence of components each of which has a distinct function essential to the success of the approach. However, while the components are presented in a sequence, this does not preclude implementation of activities of a component prior to the completion of the preceding component (e.g., information may be gathered and reviewed for completion of the IEP during diagnosis and placement). Effective interrelation of these components is necessary in meeting each child's unique needs.

A description of the process and components is presented on the following pages. This model will serve as a guide to the delivery of special education and related services at all levels. To assist the reader, the model is also displayed in Figure 1. It is suggested that the reader refer to this display throughout the description of the model.

Awareness

Objective: The state at large will be informed of indicators which might signal a handicapping condition, educational opportunities available for handicapped children, their rights to full educational benefits, and the location of appropriate contacts to which children can be referred for screening.

To assist in the identification of handicapped children, activities for public awareness will be implemented throughout the state. Public awareness is comprised of the following: (1) to be aware of indicators in children which might signal a handicapping condition; (2) to be aware of the educational opportunities available for handicapped children; (3) to be aware of the rights of these children, and (4) to be aware of appropriate contacts to which a referral of children can be made for screening.

To insure that public awareness is accomplished it will be necessary to develop procedures at each level of service delivery and support which facilitate provision of necessary information to all relevant audiences.

Implementation	Proposed Achievement Date
SDE:	
1. Develop and disseminate model procedures and materials for awareness activities at all levels to include at the minimum, flyers, brochures, television and radio spots, and newspaper notices.	Sept. 1979
2. Organize, coordinate and conduct awareness activities (in conjunction with other state human service agencies) on a statewide basis.	June 1980

	Proposed Achievement Date
3. Provide support to local and intermediate agency awareness activities through technical assistance to include procedures and materials.	Sept. 1979
LEA/IED:	
1. Develop and implement awareness procedures for appropriate audiences within their boundries of jurisdication.	Sept. 1980
2. Coordinate awareness procedures with other state efforts.	Sept. 1980

Search/Referral and Screening

Objective: All children suspected of having a handicapping condition will be located and referred for screening to appropriate LEA/IED or SDE personnel.

The next steps in the process of identifying handicapped children are: (1) the search for and/or referral of children

suspected of having a handicapping condition, and (2) the screening of these children to determine whether in fact those referred are potential candidates for special education services.

Search/Referral

Two major strategies will be used to identify children suspected of having a handicapping condition prior to screening.

Search. In conjunction with biannual child count activities required for federal assistance on October 1 and February 1 of each year, a canvass of all school and other agency populations for referral of suspected handicapped children will be accomplished. In addition, requests will be made of other community populations, such as preschools, day care centers and private or state operated facilities, to canvass their children for suspected handicaps.

Referral. The special education office of the LEA/IED will be designed as the primary referral points. In addition, the Special Education Division office of the SDE will maintain capability as a secondary referral point with information relative to all major services in the state. These referral points will be well publicized to allow easy access for the reporting of suspected handicapping conditions by persons and agencies participating in active search activities and/or persons or agencies reporting children as a result of awareness procedures.

Screening

Children referred to the LEA/IED or SDE as potential candidates for special education services will enter a screening process. Screening is a procedure to gather preliminary information about a suspected handicapping condition. Screening allows for decisions to be made about the need for further diagnosis for the child. Screening is simply a process of separating individual children who MIGHT need special education services from the total group of children. With severely handicapped children the screening process may only involve observations to provide information necessary for the decision process. As handicapping conditions move along the continuum toward more milder handicaps, however, the measurement activities are much more distinct. Instruments must be used which: (1) are standardized and appropriate for the desired population; (2) are eaily and quickly admistered; (3) are highly successful in identifying dysfunction, and (4) should be acceptable to professionals doing subsequent diagnosis.

Implementation	Proposed Achievement Date
SDE:	
1. Develop search and referral procedures which may be used by LEA/IED and other state level agencies as models.	Sept. 1978
2. Establish and publicize the SDE Special Education Division office as a secondary	June 1978

	Proposed Achievement Date
point of referral which will maintain information relative to all major special education services in the state.	
3. Develop guidelines and procedures for screening which may be used by LEA/IED and other state level agencies as models.	Sept. 1978
4. Coordinate training and/or provide technical assistance to establish procedures developed at LEA/IED and other state level agencies.	Sept. 1979
5. Coordinate interagency search, referral and screening activities at the state administrative level.	Sept. 1979
LEA/IED	
1. Complete search of school populations to coincide with biannual child count activities.	Sept. 1978
2. Request other community populations to conduct search activities.	Sept. 1979
3. Establish and publicize a contact point for referral of suspected handicapped children.	June 1978
4. Develop and implement screening procedures for all children located and referred within their jurisdiction.	Sept. 1978

	Proposed Achievement Date
5. Maintain necessary screening instruments, and designate and train staff to administer those measures.	Sept. 1979

Decision Point

At this point in the process a decision must be made relative to next steps to be taken. This decision should be based on: (1) the best information gathered to this point, and (2) the collective judgment of parents or legal guardians and professionals involved.

The critical question affecting this decision point is:

Is diagnosis indicated by the screening procedure?

If the answer is "No," the identification process for that particular child is terminated and the referring agency or person is notified that the child is not in need of special education. If the decision is "Yes," the child is further referred for appropriate diagnosis.

Diagnosis

Objective: Each child, as indicated by screening, will receive a diagnostic evaluation through application of current best practices of testing with respect to his medical needs, psychological needs, and educational needs.

When a child has been screened and identified for diagnosis, written notice will be given to the child's parents or legal guardian regarding the desirability of conducting a diagnosis. Parents will be included in all decisions as presented in the due process procedures (see pages 77-103). The LEA/IED will then implement procedures to accomplish diagnosis.

Screening may indicate that diagnosis is needed in the areas of medical investigation, psychological investigation, educational investigation or all three. The major purpose of diagnosis is to provide information relative to the kind and content of the educational program the child needs. As a result of diagnosis two basic types of information should be available. First, physical or psychological information that may affect the child's ability to learn and may dictate the prohibition of certain educational programs or the modification of the learning environment to accommodate the physical or psychological difficulty. Secondly, and equally important, diagnosis should provide information on the current functioning level of the child in specific skill areas. These skill areas will include, but not be limited to, social adaptation, emotional maturity, pre-vocational and vocational skills, communication skills, psychomotor skills, self-help skills and activities of daily living, and academic achievement.

Where possible, diagnosis will be accomplished by the teacher or teachers, special or regular, or other relevant professionals at the LEA/IED where the child resides. These individuals have basic responsibility for planning and implementing educational programs for the child and must, therefore, be involved in the diagnostic process. The LEA/IED may not always be able to provide

the comprehensive and specialized diagnostic services needed for a child. In those instances diagnosis should be accomplished by qualified personnel at a location as near to the LEA/IED as possible. Currently, locations which can assist the LEA/IED by providing comprehensive diagnostic services are not available throughout the state. It will be necessary for the SDE to study the needs for, and subsequently develop, a network of diagnostic support services which will be available to all special education service providers.

Implementation	Proposed Achievement Date
SDE:	
1. Develop and disseminate statewide policies and procedures for diagnosis.	Sept. 1978
2. Assess statewide needs for the location and establishment of diagnostic services.	June 1979
3. Coordinate and develop (where necessary) diagnostic services to assist LEA/IED's in accomplishing diagnostic procedures.	Sept. 1979
4. Coordinate and/or provide training and technical assistance to LEA/IED's and other state level agencies in the development and implementation of diagnostic procedures.	Sept. 1979
LEA/IED:	
1. Insure the timely completion of diagnostic instruments within the LEA.	Sept. 1979

	Proposed Achievement Date
2. Maintain appropriate diagnostic instruments within the LEA.	Sept. 1979
3. Train appropriate staff to conduct diagnosis.	Sept. 1979

Placement

Objective: Each child identified as needing special education services will be placed in an educational environment which will best meet his unique needs.

While the sequence of components presented in this model specifies diagnosis-placement-IEP in that order, some activities of these three components may occur simultaneously. Implementation of this State Master Plan will find a majority of Oregon's handicapped children already placed in a special education environment. Further diagnosis and IEP planning for these children will occur in that environment. Any change in educational environment will occur as a result of implementation and/or evaluation of the IEP. Other children identified as a result of the referral/screening process will have enough information available after diagnosis to allow for a decision to be made about the appropriate placement of the child. A third group of children may be placed in an appropriate educational environment as a result of planning during IEP activities. Of importance to timely and appropriate provision of special education services is: (1) that teacher(s) or other relevant professionals in the selected educational environment,

assume the management of diagnosis (when possible) and IEP planning, and (2) the continuous evaluation of the appropriateness of the educational environment selected as specified by this plan.

Initial placement of the child must be based on the individual needs of the child, medical, psychological, and educational, and the restrictions of the environment on meeting those needs. The environment must not keep the child from obtaining the education of which he is capable.

Federal law specifies that assurances must be provided by the LEA/IED and SDE that:

> To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (PL 94-142 Sec. 612(5)(B).

Federal and state law further specify that a continuum of alternative environments must be available.

> Each state and local education agency shall insure that a continuum of alternative placements are available to meet the needs of handicapped children for special education and related services (CFR 45 Part 121a.441(a)).

> Special education instructional programs shall range along a broad continuum and shall focus attention on meeting the individual needs of all resident handicapped children (OAR 581-15-035(i)(b)).

An example of a continuum of alternate placements is displayed in Table 1. The least restrictive environment, as implied by the federal definition, is represented by the regular classroom. The continuum becomes more restrictive as you move down the list. Each LEA/IED should make every effort to develop the educational environments needed within their jurisdication.

Continuum of Alternative Educational Environments

Least Restrictive ↑

- Regular classroom
- Regular classroom with consultation
- Regular classroom with supplementary teaching or treatment
- Regular classroom plus resource room service
- Part-time special class
- Full-time special class
- Special day school
- Home based instruction
- Residential school
- Hospital school
- Hospitals and treatment centers

Adapted from M. C. Reynolds, "A Framework for Considering Some Issues in Special Education" Exceptional Child, March 1962.

TABLE 1

Implementation	Proposed Achievement Date
SDE:	
1. Develop and disseminate standards and guidelines for placement alternatives.	Sept. 1978
2. Develop and disseminate model procedures for placement alternatives for replication by LEA/IED and other state level agencies.	June 1979
3. Provide training and technical assistance in development and use of placement alternatives.	Sept. 1979
4. Monitor appropriate placement by LEA/IED.	Sept. 1979
LEA/IED:	
1. Develop placement policies and procedures and implement as needed.	Sept. 1978
2. Develop educational placement alternatives as determined by needs and resources.	Sept. 1979
3. Provide training for staff in best practices of placement alternatives.	Sept. 1979

IEP

Objective: Each child identified as handicapped and in need of special education shall have an Individualized Education Program based on information obtained through diagnosis and approved by a committee which includes professionals responsible for the child's education and the child's parents or legal guardian.

When placement has been effected an Individualized Education Program (IEP) will be developed for the child. The function of the IEP is to provide a plan for direction of a child's educational program. It is to be used by the teacher as a guide for the preparation of instructional programs and as a measure for successful achievement of those programs. The IEP will be used by administrators at all levels as a means of evaluating total program effectiveness and the extent to which full educational opportunities are being provided. It will also be used to provide information for parents relative to their child's progress.

Content of IEP

An Individualized Education Program is a written statement developed for each handicapped child served which includes:

1. The present level of educational performance of the child. Present performance level will include, but not be limited to, special adaptation, emotional maturity, communication skills, pre-vocational and vocational skills, psychomotor skills, self-help skills, activities

of daily living, academic achievement, and a description of the extent to which a child will be able to participate in a regular education program. Performance levels will be diagnosed through the use of normative and/or criterion referenced assessment instruments.

2. Long term objectives. Long term objectives are statements describing the expected behaviors to be achieved during the current academic year through the implementation of the child's Individual Education Program. These objectives will be based on the unique needs of each handicapped child as determined by appropriate diagnostic techniques and/or instrumentation.

3. Short term instructional objectives. Short term instructional objectives are statements describing, in specific, objective and measurable terms, the intermediate steps in the accomplishment of the long term objectives. Short term objectives should be written so that they will be attained, at a maximum, in a three month period of time.

4. The specific educational sources needed by each child. A statement of specific educational services needed by a child, determined without regard to the availability of those services. This statement should include all special education and related services, the instructional media and materials needed, and the type of physical education program in which the child should participate.

5. The projected date for initiation and anticipated duration of the program services. The projected date for initiation

should normally be the date of entry into the designated placement. Anticipated duration will be estimated consistent with the objective.

6. A description of the extent to which the child will participate in regular education programs. This description should include the type of regular program and the amount of time anticipated for participation.
7. A justification for the type of educational placement which the child will have.
8. A list of the individuals who are responsible for implementation of the IEP. This list should include special and regular teachers and other professionals involved with implementation.
9. Appropriate objective criteria and evaluation procedures and schedules. Objective criteria are the standards against which evaluation occurs -- the statements of annual long term objectives and short term instructional objectives as stated in each handicapped child's IEP. The IEP will include specific dates and/or intervals by which each handicapped child's program is to be reviewed. The evaluation procedures are to determine, as a minimum; (a) if satisfactory progress toward the annual objectives is being achieved, (b) if the annual long term objectives or short term instructional objectives need revision, (c) if services need to be altered, and (d) if the student can benefit from a less restrictive environment. The child's IEP and services will be modified within a reasonable

period of time accordingly, as determined by the review process.

Procedures for the Development of IEP

The written statement of the IEP will be prepared by the designated teacher(s) or other professionals in charge of the educational environment selected for placement of the child. The IEP will then be reviewed by the individuals involved in the implementation of the program. Persons included in the review process will be:

1. Teacher(s) - The handicapped child's teacher or teachers, special or regular, who have a direct responsibility for implementing the child's IEP.
2. Representative(s) of LEA or IED - Individual(s), separate from the child's teacher(s), who meets state certification standards or other state criteria as a special education teacher, educational supervisor, education administrator, or equivalent, and who is currently in the employ of the LEA or IED in one of the above capacities.
3. The Child's Parents or Guardian - When the parents or guardian is not known, unavailable, or the child is a ward of the state, an individual is to be assigned to act as a surrogate for the parents or guardian. This person may not be an employee of the SEA, LEA or IED involved in the education or care of the child.

The review may occur without parental or guardian participation only if the LEA or IED has sufficient documentation of (a) unsuccessful efforts made to arrange a mutually agreed upon time or place, or (b) parent's (s') or legal guardian's waiver of their rights to participate.

4. The Child. When the child has the capability of contributing to the development of the IEP.
5. Any other persons directly responsible for the implementation of the IEP.

An IEP is to be developed and reviewed for each handicapped child served within thirty (30) days of attendance after the child is initially present to receive special education or related services.

Implementation	Proposed Achievement Date
SDE:	
1. Develop a uniform format for IEP's for statewide use.	Jan. 1979
2. Coordinate and/or provide training and technical assistance to all special education service providers in the development and use of an IEP.	Sept. 1979
3. Coordinate the development and use of IEP's by other state level agencies as appropriate.	Sept. 1979

	Proposed Achievement Date
LEA/IED:	
1. Develop and maintain an IEP and all supporting documentation required on every handicapped child served by special education or related services.	June 1979
2. Insure that each IEP shall be readily accessible to all personnel who have a responsibility for developing and/or implementing that IEP.	Sept. 1979
3. Provide training for appropriate staff in the development and use of an IEP.	June 1978

Implementation

Objective: Each child who has been identified, diagnosed, and for whom an IEP has been developed will have that IEP implemented utilizing current best practices in instructional technology and treatment methodology.

All components of the process which has been described have been directed toward providing educational opportunities which will meet the unique needs of each handicapped child. Implementation of the IEP developed for each child becomes the focal point for providing special education. The success of implementation is measured by the achievement of objectives established for the IEP.

Achievement of the stated objectives is dependent upon several factors. First, the instructional strategies employed should be sensitive to feedback systems which indicate progress toward achievement of objectives, and must be capable of changing to accommodate to that feedback. It is important, then, that implementation of a child's IEP have the advantage of employing current best practices in providing special education.

To insure that instructional techniques are of a quality which will continue to meet a child's unique needs, guidelines and standards will be established which will guarantee such quality.

Implementation	Proposed Achievement Date
SDE:	
1. Develop and disseminate guidelines and minimum standards for special instructional programs in the state.	Sept. 1978
2. Develop and/or provide model instructional procedures for use by LEA/IED.	Sept. 1979

	Proposed Achievement Date
3. Provide technical assistance to LEA/IED and other state level agencies for implementation of IEP's.	Sept. 1979
4. Provide a system to acquire, review and disseminate to LEA's, IED's, and other state level agencies significant information derived from educational research, demonstration and other similar projects.	Sept. 1979
LEA/IED:	
1. Provide instructional programs for handicapped children employing current best practices.	Sept. 1977
2. Adopt guidelines and standards for instructional programs as established by SDE.	Sept. 1979
3. Provide for sufficient numbers of adequately trained personnel and/or services to accomplish implementation of IEP's for identified children.	Sept. 1979
4. Develop and maintain local resources to support the provision of full educational opportunities for handicapped children.	Sept. 1979

Evaluation

Objective: Necessary and appropriate adjustments in a child's educational program shall be facilitated through periodic review of their educational progress.

Evaluation provides a means to monitor and provide feedback to the system relative to a child's progress and next steps to be accomplished in meeting the unique needs of each handicapped child. The complete process of evaluation is fully addressed on pages 113-126 of this plan. Evaluation as it applies directly to review of the IEP objectives is addressed here.

Evaluation of Effectiveness of IEP

Review and, if appropriate, revision of each child's IEP will occur on the following schedule.

1. Long term objectives. Review of long term objectives will occur at least twice during the academic year and will involve the child's teacher and parents or guardian. Review will be directed at the child's progress toward these annual objectives and, if appropriate, supportive short term objectives will be revised.

2. Short term instructional objective. Short term objectives will be monitored on a regular schedule (at least weekly) and is the responsibility of the child's teacher(s). Review will be directed at the child's progress toward meeting established objective criteria and necessary revisions of that criteria, instructional approaches and/or supportive services.

Review of objectives in a child's IEP will present a number of alternatives based on the question:

Is progress satisfactory?

If the answer is "yes," implementation of the IEP should continue. If progress is not satisfactory two alternatives are presented.

Will progress be effected through modification of appropriate elements of the IEP?

or

Will progress be effected through a modification of the educational environment?

A decision for either of these alternatives must be based on the best data available and the collective judgment of relevant professionals and the parents.

Either alternative presents a further decision based on the question:

Is enough information available from evaluation to effect the modification?

If not, additional diagnosis of the child's specific learning problems may be called for. A diagram of the alternatives presented by evaluation of the IEP is displayed in Figure 1.

Implementation	Proposed Achievement Date
SDE:	
1. Establish and disseminate procedures for evaluation of individual performance and collecting and reporting data derived from the evaluation.	Sept. 1979
2. Coordinate and/or provide training and technical assistance to service providers in the evaluation of individual performance and the collecting and reporting of data derived from evaluation.	Sept. 1980
LEA/IED:	
1. Provide for scheduled reviews of each handicapped child's IEP.	Sept. 1980
2. Train appropriate personnel to review an IEP and modify it as necessary.	June 1980

The model process for provision of full educational opportunities presented in this section of the State Master Plan is intended to be a guide for insuring the provision of those opportunities. It must be approached with the flexibility needed to meet the unique needs of each handicapped child.

PROTECTION OF INDIVIDUAL RIGHTS

Goal Statement:

To guarantee the protection of the individual rights of all handicapped children and their parents or legal guardians in the provision of full educational opportunities.

State and Federal laws specify the protection of individual rights for all handicapped children. Included are rights pertaining to: (1) procedural safeguards relating to the provision of a free appropriate public education; (2) confidentiality of personally identifiable information, and (3) protection in evaluation procedures. In many cases, policies and procedures designed to assure these protections are already available; however, some gaps exist which will require changes in laws, policies and procedures. Where these gaps exist, agencies responsible will be expected to take appropriate action.

The rights and procedures presented in this section are from two sources: Oregon Administrative Rules (OAR), and Proposed Rules (PR) 45CFR Parts 100b, 121a, and 121m for Public Law 94-142. Where OAR are available and meet federal requirements, they are presented. Where it was determined that OAR are not available or do not meet federal requirements, the proposed rules for 94-142 are presented.

Procedural Safeguards:

1. Opportunity to examine records
(Public Law 94-142 (PR) 121a.402)

The parents of a handicapped child should be afforded an opportunity to examine all relevant records with respect to: (a) the identification, evaluation, and educational placement of the child, and (b) the provision of a free appropriate public education to the child.

2. Independent evaluation
(Public Law 94-142 (PR 121a.403)

(a) General

(1) The LEA shall inform the parents of a handicapped child that they have the right to obtain an independent educational evaluation of a child, subject to the conditions set forth in paragraphs 2(b) through 3(c) of this section.

(2) For purposes of this section, "independent educational evaluation" means an evaluation conducted by a fully certified or licensed professional examiner who is not employed by and does not routinely provide evaluations for, the state or local educational agency responsible for the education or care of the child in question.

(b) Parent right to evaluation at public expense.

A parent has the right to an independent educational evaluation at public expense if the parent disagrees

with an evaluation obtained by the local educational agency. However, the local educational agency may initiate a hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

3. Parental requests for evaluation
(Public Law 94-142 (PR) 121a.403)

(a) Parent initiated evaluations. If the parent obtains an independent educational evaluation at his own expense, the results of the evaluation:

(1) Must be considered by the state and local educational agency in any decision made with respect to the provision of a free appropriate public education to the child.

(2) May be presented by either party as evidence at a hearing under this subpart regarding that child.

(b) Requests for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(c) Agency criteria. Whenever the state or local educational agency pays for an independent educational evaluation, the criteria under which the evaluation is obtained, including the location of the evaluation

and the qualifications of the examiner, must be the same as the criteria which the state or local educational agency uses when it initiates an evaluation.

4. Prior Notice; Parent Consent
(Public Law 94-142 (PR 121a.404 & PR 121a.405)

(a) Written notice must be given to the parents of a handicapped child, within a reasonable time, before the state or local educational agency:

(1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the free appropriate public education provided to the child.

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the free appropriate public educational provided to the child.

(b) Parental consent must be obtained before an evaluation is conducted.

(c) Content of notice.

(1) The notice must include:

(A) A full explanation of all of the procedural safeguards available to the parents.

(B) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options

the agency considered and the reasons why those options were rejected.

(C) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal.

(D) A description of any other factors which are relevant to the agency's proposal or refusal.

(2) The notice must be:

(A) Written in language understandable to the general public.

(B) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent is not a written language, the state or local educational agency shall take steps to insure:

(A) That the notice is translated orally or by other means to the parent in his native language or other mode of communication.

(B) That the parent understands the content of the notice.

(C) That there is written evidence that the requirements of this section have been met.

5. Impartial Due Process Hearing
(Public Law 94-142 (PR) 121a.406)

(a) A parent or a local education agency may initiate a hearing in relation to either the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the free appropriate public education provided to the child.

(b) The hearing must be conducted by the state or local educational agency, as determined under state statute, state regulation, or a written policy of the state educational agency.

6. Procedure for the Hearing
(OAR 581-15-025)

(a) Following a written notice and request by a parent for a hearing, delivered to the administrative officer of the school district within ten calendar days from the receipt of notice of placement, transfer, or denied placement, the local school board shall appoint an impartial hearing officer to preside at a hearing. The hearing officer shall provide to the parents and to the officials of the LEA notification as to the time and place of the hearing, which should be at a time and place reasonably convenient to the parties involved. If no request for a hearing is made within ten calendar days, the administrative officer of the school district shall make the placement, transfer.

or deny placement in a special education program.

(b) The hearing shall be scheduled not sooner than fifteen calendar days nor later than forty-five calendar days after receipt of the request for hearing from the parent. These time limits may be waived or altered by mutual consent.

(c) The hearing shall be a closed hearing unless the parent requests an open hearing.

(d) The parent shall have the right to a representative of his own choosing, including legal counsel. The school district may also be represented by legal counsel.

(e) The decision of the hearing officer shall be based solely upon the evidence presented at the hearing.

(f) The administrative officers of the school district shall bear the burden of proof as to all facts and as to the appropriateness of any placement, denial of placement, or transfer.

(g) A tape recording or other record of the hearing shall be made. The record of the proceedings shall be available to the parent.

(h) At a reasonable time prior to the hearing, the parents or their counsel shall be given access to all school district and other public office records pertaining to the child, including any tests or reports upon which the proposed action may be based.

(i) At a reasonable time prior to the hearing, the parents or their counsel shall have an opportunity to obtain an independent educational evaluation of the child.

(j) The parents or their representative shall have the right to request the attendance of any official, employee or agency of the public school district who may possess evidence upon which the proposed action could be based.

(k) Full opportunity for examination and cross-examination shall be accorded to each party.

(l) Within thirty days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact and conclusions of law and shall be filed with the school district and a copy be sent via certified mail to the parent.

(m) Decisions rendered in the impartial due process hearing shall be binding on all parties subject only to appropriate administrative or judicial appeal.

(n) Nothing contained herein shall be construed to preclude any system of consultations or conference with parents that is used by school districts with regard to the educational assignment of children thought to be handicapped. Nor shall such consultations or conferences be held in lieu of the due process hearing if one is requested.

7. Impartial Hearing Officer
(Public Law 94-142 (PR) 121a.407)

(a) A hearing must not be conducted:

(1) By an employee of the state or local educational agency who is involved in the education or care of the child.

(2) By any person having a personal or professional interest which would conflict with his objectivity in the hearing.

(b) A person who otherwise qualifies to conduct a hearing is not an employee of the agency solely because he is paid by the agency to serve as a hearing officer.

8. Hearing Decision; Appeal
(Public Law 94-142 (PR) 121a.409)

(a) A decision made in a hearing conducted under this section shall be final, unless a party in the hearing appeals the decision.

9. Administrative Appeal; Impartial Review
(Public Law 94-142 (PR) 121a.410)

(a) If the hearing is conducted by a local educational agency, any party aggrieved by the findings and decision rendered in the hearing may appeal to the state educational agency.

(b) If there is an appeal, the state educational agency shall conduct an impartial review of the hearing. The official conducting the review shall:

(1) Examine the entire hearing record.

(2) Insure that the procedures at the hearing were consistent with the requirements of due process.

(3) Afford the parties an opportunity for oral argument.

(4) Make an independent decision upon completion of the review.

(c) The decision made by the impartial reviewing official shall be final, unless a party may bring civil action.

10. Civil Action
(Public Law 94-142 (PR) 121a.411)

Any party aggrieved by the findings and decision made in a hearing who does not have the right to appeal, and any party aggrieved by the decision of the reviewing officer, has the right to bring civil action.

11. Timelines and Convenience of Hearing and Reviews
(Public Law 94-142 (PR) 121a.412)

State and local educational agencies shall take steps to assure that all hearings, reviews, and other actions conducted under this section: (a) is commenced and completed as quickly as possible, consistent with fair consideration of the issues involved, but not later than 45 days after receipt of a complaint, unless the parties agree to an extension; and (b) is conducted at times and places which are reasonably convenient to the parents and child involved.

12. Child's Status During Proceedings
(Public Law 94-142 (PR) 121a.413)

(a) During the pendency of any administrative or judicial proceedings regarding a complaint, unless the state or local educational agency and the parents of the child otherwise agree, the child involved in the complaint shall remain in his present educational placement.

(b) If the complaint involves an application for initial admission to public school, the child shall, with the consent of the parents, be placed in the public school program until the completion of all the proceedings.

13. Surrogate Parents
(Public Law 94-142 (PR 121a.414)

(a) General. The state educational agency shall insure that the rights of a child are protected when the parents of the child are not known, unavailable, or the child is a ward of the state, including the assignment of an individual to act as a surrogate for the parents. This must include a method:

(1) For determining whether a child needs a surrogate parent.

(2) For assigning a surrogate parent to the child.

(b) Criteria for selection of surrogates.

(1) The state or local educational agency may select a surrogate parent in any way permitted under

state law.

(2) State and local educational agencies shall insure that a person selected as a surrogate:

(A) Has no interest that conflicts with the interests of the child he represents.

(B) Has the knowledge and skills that insure adequate representation of the child.

(c) Non-employee requirement: compensation

(1) A person assigned as a surrogate must not be an employee of the state or local educational agency which is involved in the education or care of the child.

(2) A person who otherwise qualifies to be surrogate parent under paragraph (b) and (c)(1) of this section, is not an employee of the agency solely because he is paid by the agency to serve as a surrogate parent.

(d) Responsibilities. The surrogate may represent the child in all matters relating to:

(1) The identification, evaluation, and educational placement of the child.

(2) The provision of a free appropriate public education to the child.

Confidentiality of Information:

1. Notice to parents
(Public Law 94-142 (PR) 121a.451)

(a) The state educational agency shall give notice concerning the information related to the identification, location and evaluation of handicapped children which is adequate to fully inform parents including:

(1) A description of the extent to which the notice is given in the native languages of the various population groups in the state.

(2) A description of the child on whom information is maintained, the types of information sought, the methods the state intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information.

(3) A summary of the policies and procedures which participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information.

(4) A description of all of the rights of parents and children regarding this information, including the rights under Section 438 of the General Education Provisions Act and Part 99 of this title (The Family Education Rights and Privacy Act of 1974, and implementing regulations).

(b) Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the state of the activity.

2. Access Rights
(Public Law 94-142 (PR) 121a.452)

(a) Each participating agency shall permit parents to inspect and review any personally identifiable information relating to their child which is collected, maintained or used by the agency under this part. The agency shall comply with a request without unnecessary delay and before any hearing relating to the identification, evaluation, or placement of the child, and in no case more than 45 days after the request has been made.

(b) The right to inspect and review education records under paragraph (a) of this section includes:

(1) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the information.

(2) The right to request that the agency provide copies of the records containing the information if failure to provide these copies would effectively prevent the parent from exercising the right to inspect and review the information.

(c) An agency may presume that the parent has authority to inspect and review information relating to his child unless the agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation and divorce.

3. Record of access
(Public Law 94-142 (PR) 121a.453)

Each participating agency shall keep a record of parties obtaining access to information collected, maintained, or used under this part (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the information.

4. Records on more than one child
(Public Law 94-142 (PR) 121a.454)

If any record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

5. Lists of types and locations of information
(Public Law 94-142 (PR) 121a.455)

Each participating agency shall provide parents on request a list of the types and locations of information collected, maintained, or used by the agency.

6. Fees
(Public Law 94-142 (PR) 121a.456)

(a) A participating agency may charge a fee for copies of records which are made for parents under this subpart if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

(b) A participating agency may not charge a fee to search for or to retrieve information under this subpart.

7. Ammendment of records at parent's request
(Public Law 94-142 (PR) 121a.457)

(a) A parent who believes that information collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child, may request the participating agency which maintains the information to amend the information.

(b) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

(c) If the agency decides to refuse to amend the information in accordance with the request it shall inform the parent of the refusal, and advise the parent of the right to a hearing.

8. Opportunity for a hearing
(Public Law 94-142 (PR) 121a.458)

The agency shall, on request, provide an opportunity for a hearing to challenge information to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy of other rights of the child.

9. Procedures for the hearing
(SDE Guide for the Conduct of Hearings)

(a) The hearing shall be private in an executive session. Persons other than the student, parents or guardians, witnesses, and counsel shall not be admitted.

(b) A record of the hearing should be kept in the student's behavioral file for a minimum of two years and should be available only to the parent, eligible student, his/her counsel, the hearing panel, the superintendent and the board, or as provided by the board's adopted policy on confidentiality of records.

(c) The principal or designated representative shall preside over the panel. He shall hear evidence from the school staff and from the parents to determine the point or points of disagreement regarding the records. The principal shall make a determination after hearing the evidence and determine what steps, if any, are to be taken to correct the record. Such actions are to be made in writing to the parents.

(d) Actions to correct the records should be completed within 10 days should the panel concur with the parent.

10. Appeal to the school board
(SDE Guide for the Conduct of Hearings)

(a) If, after such hearing is held as described above, the parents are not satisfied with the recommendation action, the parents may appeal to the district school board where the action of the hearings panel may be reviewed and affirmed, reversed, or modified. Procedure for appeal beyond the local district board follows the prescribed action as set forth in federal regulations. See Public Law 93.380.

11. Result of Hearing
(Public Law 94-142 (PR) 121a.459)

(a) If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

(b) If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child, a statement commenting on the information, or setting forth any reasons for disagreeing with the decision of the agency.

(c) Any explanation placed in the records of the child under this section must:

(1) Be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency.

(2) If the records of the child or the contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party.

12. Consent
(Public Law 94-142 (PR) 121a.461)

(a) Parental consent must be obtained before personally identifiable information is:

(1) Disclosed to anyone other than officials of participating agencies collecting or using the information under this part, subject to paragraph (b) of this section.

(2) Used for any purpose other than meeting a requirement under this part.

(b) An educational agency or institution may not release information from education records to participating agencies without parental consent unless authorized to do so.

(c) The state educational agency shall include policies and procedures in its annual program plan which are used in the event that a parent refuses to provide consent under this section.

13. Safeguards
(Public Law 94-142 (PR) 121a.462)

(a) Each participating agency shall protect the confidentiality of information at collection, storage, disclosure, and destruction stages.

(b) One official at each participating agency shall assume responsibility for insuring the confidentiality of any personally identifiable information.

(c) All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures.

(d) Each participating agency shall maintain, for public inspection, a current listing of the names of those employees within the agency who may have access to personally identifiable information.

14. Destruction of information
(Public Law 94-142 (PR) 121a.463)

(a) All personally identifiable information collected, maintained, or used under this part must be destroyed within five years after the information is no longer needed to provide educational services to the child. However, a permanent record of a student's name, address, and phone number, his grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

(b) Before destruction of data, reasonable efforts must be made to notify parents that they have the right to a copy of any information which has been collected, maintained, or used under this part.

15. Children's rights
(Public Law 94-142 (PR) 121a.464)
The state educational agency shall include policies and procedures in its annual program plan regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type of severity of disability.

16. Enforcement
(Public Law 94-142 (PR) 121a.465)
The state educational agency shall describe in its annual program plan the policies and procedures, including sanctions, which the state uses to insure that its policies and procedures are followed and that the requirements of the Act and the regulations in this part are met.

Protection in Evaluation Procedures:

1. General
(Public Law 94-142 (PR) 121a.430)
Testing, evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory.

2. Evaluation: change in placement
(Public Law 94-142 (PR) 121a.431)

(a) An educational evaluation must be conducted before any action is taken with respect to:

(1) The initial placement or denial of placement of a handicapped child in a special education program.

(2) The transfer or denial of transfer of a child from a special education program to full-time regular class placement.

(b) Subject to paragraph (a) of this section, and the requirements for reevaluation (see #4), any change in a child's special education placement (such as changing from a self contained special class to a resource room) must be based on:

(1) The child's current Individualized Education Program.

(2) Any other information relating to the child's current educational performance.

3. Evaluation procedures
(Public Law 94-142 (PR) 121a.432)

State and local educational agencies shall insure, at a minimum, that:

(a) Tests and other evaluation materials:

(1) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.

(2) Have been validated for specific purpose for which they are used.

(3) Are recommended by their producer for the specific purpose for which they are used.

(4) Are administered by personnel who meet applicable certification or all censure requirements under state law.

(b) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

(c) In test selection and administration, if a test is administered to a child with impaired sensory, manual or speaking skills, the test results must accurately reflect the child's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure).

(d) No one test or type of test or other means of evaluation is used as the sole criterion for placement.

(e) Information from sources other than ability or achievement tests, including information concerning physical condition, sociocultural background, and adaptive behavior in home and school, is gathered and considered and the weight given to each of these sources is documented.

(f) The interpretation of the evaluation data and the subsequent determination of the child's educational placement are made by a team or group of persons knowledgeable about the child, the meaning of the evaluation results, the placement options, and the personnel available to provide special education and related services.

(g) If the information derived either from ability and achievement tests or from other sources results in a showing that the child does not, because of a disability, need instruction in a special setting, the child is not placed outside the regular instructional setting.

4. Reevaluation
(Public Law 94-142 (PR) 121a.433)

Each state and local educational agency shall insure:

(a) Each handicapped child's Individual Education Program is revised periodically, but not less than annually.

(b) That an evaluation of the child based on procedures which meet the requirements set forth in the Evaluation Procedures of this section is conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation.

Objective: Procedures will be developed and implemented at all levels to assure that handicapped children and their parents or guardian are guaranteed procedural safeguards in provision of full educational opportunities, confidentiality of personally identifiable data, and protection in evaluation procedures.

Implementation:	Proposed Achievement Date
SDE:	
1. Adopt federal guidelines for procedural safeguards, confidentiality, and protection in evaluation where these guidelines are not now a part of Oregon law.	June 1978
2. Develop and disseminate model procedures and materials for implementing and maintaining procedural safeguards, confidentiality, and protection in evaluation procedures which may be used at all levels of service to handicapped children.	June 1978
3. Provide and/or coordinate training and/or technical assistance of developed model procedures to LEA/IED and other appropriate state agencies.	Sept. 1978
4. Coordinate procedures for Protection of Individual Rights with other state agencies.	Sept. 1978

	Proposed Achievement Date
LEA/IED:	
1. Implement and maintain the model procedures developed by SDE.	Sept. 1978
2. Request, secure and participate in appropriate training and/or technical assistance provided by SDE.	Sept. 1978

PERSONNEL DEVELOPMENT

Goal Statement:

The development of personnel to provide full educational opportunities for handicapped children will be accomplished through the identification of training needs and the coordination of training resources throughout the state.

Provision of full educational opportunities for all handicapped children in Oregon is dependent on the availability of adequately trained personnel. To insure that these trained personnel are available to special education, a coordinated training effort based on identified needs is necessary.

Planning in the area of training for personnel development was expanded in 1976 by the Special Education Division of the SDE through the establishment of an advisory committee for Title VI Part D. This advisory committee was made up of representatives from institutions or agencies having responsibility for providing special education training in the state of Oregon. A subcommittee of that group was elected and assigned the task of developing a document which would serve as an outline for activities to establish a coordinated statewide comprehensive plan for preparing personnel to work with handicapped children. This preliminary plan was completed and submitted by the chairman to the SDE.

Many of the procedures in this section have been taken directly from this preliminary planning effort. The procedures being proposed are the establishment of a comprehensive personnel and training resource needs assessment, and the subsequent prioritizing and coordination of training efforts to meet identified needs to insure the provision of full services to all handicapped students.

The SDE is responsible for determining personnel development needs to insure that training opportunities are available to eliminate deficits. The SDE does not and will not have control over all of the resources that are utilized for providing training to public and private agencies. Therefore, the terms coordination and cooperation become extremely important in describing a procedure whereby maximum training efforts are focused by several agencies bringing their expertise together on priority needs.

The following activities are considered necessary to insure that adequate numbers of appropriately and adequately prepared personnel are available for the education of all handicapped throughout the state.

Needs Assessment

Before any statewide comprehensive plan for providing training of personnel can be developed, it will be necessary to conduct a thorough examination of existing needs of manpower and training resources. The responsibility for

initiating and monitoring this activity rests with the State Department of Education. Support and assistance of all other agencies responsible for training, as well as consumer groups, will be required.

The planning document developed by the subcommittee of the advisory group on Title VI Part D, describes a series of steps which must be taken to insure the completion of an appropriate needs assessment. The following is a summary of those procedures.

1. A data collection and analysis system must be developed. The function of a data collection and analysis system is to allow for the compilation and storage of needs data, and provide for a variety of ways to manipulate the data so as to assist planners in a decision making process.

2. It must be determined what types of decisions need to be made concerning training needs. Once these decisions are outlined those data elements which bear upon them must be detailed.

3. Existing sources of needs data must be identified and those data elements currently compiled should be categorized and stored in a single data system.

4. Gaps and additionally needed data can then be identified and mechanisms established to collect those data. Therefore, a needs assessment can be conducted to collect only those data not already available.

5. Mechanisms should also be established to provide a yearly updating of the data base.

6. Training needs data should be directly traceable to the needs of handicapped learners.

There are several other issues that must be taken into account in conducting a needs assessment. It is extremely

important to attend to sample size and to insure that the population examined is a representative. In Oregon there are over 1,000 teachers of the handicapped that make up a major portion of the population to be surveyed. A population of this size does not lend itself easily to direct observation and face to face interviewing because of the amount of time and expense that would be required. A sampling procedure will have to be designed that will take into account geographic locations, type of students, type of educational approach, availability of resources, etc. This sample must be drawn carefully to insure that the results can be generalized with an acceptable level of prediction error to the total population. A strategy that includes mailing questionnaires to all personnel and at the same time drawing a representative sample to be interviewed on a face to face basis should be considered.

When special education administrators and some regular class teachers are added to the sample size it significantly increases. Both of these populations should be included in a needs assessment study.

There are a number of categories of information that must be present in a needs assessment study of this type. Other items may be added as the actual study is designed, however, at a minimum, information must be collected on the following categories:

1. Ratio of staff to students.
2. The type of educational intervention programs.

3. How is staff time utilized?
4. The ability to write Individualized Education Programs.
5. The ability to evaluate student performance.
6. Knowledge of the requirements in Public Law 94-142.
7. Skill in handling behavior problems.
8. Ability to individualize instruction.
9. Ability to task analyze skills.
10. Problems with integrating or mainstreaming handicapped children.
11. Ability to diagnose or assess.
12. Familiarity with educational materials.
13. Additional personnel needed to provide a full educational opportunity for all handicapped children.
14. Related services that are needed.
15. Teachers' ability to motivate students to learn.

In addition to gathering this information directly from the field, it will be necessary to determine what standards will be used to make decisions about the findings. At best the establishment of these standards will require professional judgment and therefore, it is recommended that the information be gathered from a wide variety of sources. Examining the literature to determine the results of "best practices" from around the country should provide a major input into the establishment of standards.

Objective: Conduct a comprehensive assessment of training needs.

Implementation	Proposed Achievement Date
SDE:	
1. Appoint an SDE staff person to be responsible for all activities related to coordinating personnel development.	Sept. 1977
2. Establish an advisory committee made up of representatives from organizations that set standards, training agencies, and consumer groups.	March 1978
3. Develop standards against which needs will be measured, utilizing state and federal law and regulations, and other available information: -- PL 93-380 and PL 94-142 rules and regulations -- Chapter 343 ORS, other Oregon law and associated Oregon Administrative Rules -- Special education endorsements from the Teacher Standards and Practices Commission.	June 1978
4. Develop categories of information that will be required to make decisions about identifying needs.	June 1978

	Proposed Achievement Date
5. Identify existing sources of data related to established standards from existing planning bodies, SDE, CSD, DVR, MHD, other agencies, TSPC, grantees, LEA's, IED's, private care facilities, parent/consumer groups and other sources.	June 1978
6. Design strategies, procedures and forms for collection of data from existing sources.	June 1978
7. Determine existing needs and prioritize them against training resources.	Sept. 1979
8. Specify the resources needed to maintain ongoing procedures to provide regular update of the needs data base.	Sept. 1979

Coordination of Resources

After a thorough needs assessment has been conducted, a consensus for the priorities of training needs will be developed. The State Department of Education will take the initiative in establishing these priorities through a cooperative effort with training institutions and consumer groups. The State Department of Education cannot control all resources to be applied to the training effort, but it can have a

significant impact by focusing its own resources (Title VI Part D) and encouraging other agencies to do the same through cooperative planning.

The results of the needs assessment and the resultant priorities will be shared with training agencies and the Bureau of Education for the Handicapped. Therefore, any training efforts proposed can be evaluated as to their appropriateness of focusing on statewide priorities.

In the Administrative section of this plan it is proposed that a position of training coordinator be established in the State Department of Education that has the sole responsibility of coordinating the training efforts, both preservice and inservice, across the state. The term coordination is important and is not intended to mean prescribe. The training coordinator will be responsible for initiating and coordinating planning efforts, the establishment of priorities, the assignment of resources, and the monitoring of impact of the training efforts.

Advisory input should be provided by an advisory committee which represents training institutions, state agencies, grantees, community colleges, IED's, LEA's, Education Coordinating Commission, private facilities, professional organizations, consumer organizations, etc. This advisory committee should meet semi-annually. A duly elected subcommittee should meet at least quarterly or more often if necessary. The primary function of the advisory committee will be to review and react to the accomplishments of the State Department of Education as it carries out its duties, and assist in the establishment

of priorities and allocations of resources for training.

Objective: Coordinate statewide training efforts in personnel development.

Implementation	Proposed Achievement Date
SDE:	
1. Establish a position of training coordinator.	Sept. 1977
2. Select an advisory committee.	March 1978
3. Provide state training agencies and BEH with needs assessment results and priorities.	Sept. 1979
4. Submit State Department Title VI-D proposal aimed at focusing on training priorities.	Sept. 1980
5. Establish training procedure guidelines that specify the roles, responsibilities and coordination of agencies and resources.	Sept. 1980
6. Develop a dissemination plan for sharing information with LEA's, IED's and training institutions or organizations.	Sept. 1980

	Proposed Achievement Date
Training Agencies and Organizations:	
1. Personnel training activities will adhere to the following criteria:	Sept. 1980
(a) Training is focused on state priorities.	
(b) Training is competency based and related to requirements established by the Teacher Standards and Practices Commission.	
(c) Objectives for training are stated in such a manner that outcomes can be evaluated.	
(d) The duration and intensity of training is designed so as to insure the achievement of the objective.	
(e) Each training effort has follow-up built in as an integral part of the training procedure to document impact subsequent to the training.	
(f) Where possible, best practice procedures that are presently in existence are utilized for replications in other programs.	
LEA/IED:	
1. Participate in statewide needs assessment.	Sept. 1979

	Proposed Achievement Date
2. Document own unique needs within the district.	Sept. 1979
3. Where possible, provide training using local resources and manpower (where an LEA or IED are to provide their own training, the criteria in above section should be followed).	Sept. 1980

EVALUATION AND DATA SYSTEM

Goal Statement:

An evaluation and data system in support of full educational opportunities for all handicapped children will be established at all levels of special education.

The purpose of this section of the State Master Plan is to outline the basic elements of an evaluation plan that will meet the above stated goal. The plan, which is outlined, addresses the nature of decisions which must be made at each of three levels: (1) the classroom, i.e., that point at which instruction occurs; (2) the LEA/IED, i.e., the local organizational unit established to provide instructional and service programs, and (3) the SDE, which is responsible for the overall provisions of educational services to children.

Evaluation Focus

At the SDE level the major concerns are: (1) that locally established programs are in compliance with relevant state and federal statutes, rules and regulations, and (2) that the quality of these locally established programs is acceptable as judged by established criteria. Thus from the SDE perspective the system must generate data that will support judgmental decisions about individual LEA/IED programs:

"Is the program in compliance?" and "Does the program meet established criteria of excellence?" In addition the SDE would profit from an evaluation system that produces information useful in determining short and long range research, development, planning and training objectives. To meet this latter need, the system should permit the collection of individual LEA/IED compliance/quality data so that common patterns and trends are identified sufficiently well to allow SDE personnel to pursue verification studies.

At the LEA/IED level, the major concerns are with the quality of the programs offered and the effectiveness of the variety of processes employed within those programs. In proceding sections of this State Master Plan LEA/IED responsibilities were identified and described. Generally, they include identification, diagnosis, placement, IEP preparation, and provision of instruction/service. The evaluation system should yield information that tells the LEA/IED how well it is doing in each of these areas. The SDE should provide criteria to guide the process but these may require further expansion at the local level. In addition, personnel at the LEA/IED level must concern themselves with issues of cost and efficiency. The evaluation system at this level should, therefore, produce information compatible with these needs.

At the classroom level the basic concern is with individual pupil performance. As previously specified, the classroom teacher or in some cases, specialist, is responsible for drafting the IEP based upon interpretations of information

derived during the diagnosis process. While practices may vary from district to district, and in some instances from program to program within districts, in most cases classroom teachers/specialists must also translate IEP's into specific learning experiences. The basic unit of the evaluation system at this level, therefore, is student performance in response to those discrete learning experiences. The basic decision is one of determining whether the learning activity is effective in producing incremental student growth. For the teacher/specialist, positive data means continuation of the present learning system and negative data indicates a need to redesign or restructure the learning experience.

Timelines of Data

At the classroom level, relatively short intervals should elapse between observations or collection points of data on student performance so that students are not retained in non-productive learning experiences. The better instructional models make provision for daily assessment of student performance. It is recommended that LEA/IED's establish procedures that provide for assessment of student performance on all learning tasks governed by the IEP at least weekly and, in no instances, less frequently than bi-weekly. In establishing such systems, local districts are encouraged to ensure that assessment of student achievement of IEP short and long term objectives are an integral part of the daily (weekly) assessment process rather than an added-on special assessment

procedure independent of the learning experience. This may be accomplished through careful attention to the design of the learning sequence and sound application of task analysis skills, i.e., that process of reducing broader behavioral units, (skills, etc.) into their appropriate sub-units.

At the district level (LEA/IED), collection of daily, weekly or bi-weekly data or information is neither necessary nor desirable primarily because it is not feasible to change or adjust programs on such short cycles. In fact, to do so would be chaotic. At the same time, however, districts should not permit ineffective programs to continue for long periods of time without adjustment. It is recommended therefore that districts establish procedures to collect and review program performance data at least three times annually, i.e., at the end of the Fall and Winter quarters and at the end of the school year.

State level planning and decision processes are usually based upon yearly cycles. It is, therefore, recommended that evaluation be accomplished on an annual basis only.

Demographic Data

A special kind of evaluation activity is that of developing a repository of demographic data on each handicapped child served in Oregon. Demographic data are vital statistics related to the handicapped child population in Oregon such as numbers, location, age and type of handicapping condition. In order to comply with PL 94-142 the state and agencies which

serve handicapped children must collect, summarize and submit demographic data on all handicapped children. This includes both those receiving service and those waiting to receive service.

At the present time, demographic data are also required by a variety of other agencies in the state of Oregon. Inevitably, there is a great deal of overlap as to the information each agency requires. However, there is also a great deal of dissimilarity with regard to the format in which the data are reported. In order to achieve uniform collection of demographic information, it is recommended that the system currently being used by the State Department of Education continue to be used. The system was designed by the Task Force on Special Education chaired by Senator Clifford W. Trow. In this system, demographic data is reported on a form entitled: "Oregon State Department of Education Handicapped Child Census." There is also a manual of instructions for teachers and other IED/LEA personnel to assist them in the correct use of the system. Children's names are coded by number to insure confidentiality. Other data requested are the child's sex, age, handicapping condition, type of service provided, residence of the child, number of hours of service per week and other categories of information.

The system is more than adequate to meet the needs of SDE. The system should be monitored each year and at other times by staff from SDE deemed necessary to: (1) conform to

compliance requirements, and (2) insure efficient use of LEA/IED resources.

As these data are collected from the LEA/IED, the SDE should put them into a centralized data repository. Because of a need for maximum use by all agencies involved with the education of handicapped children, it is recommended that the centralized data repository be maintained by the Department of Human Resources (DHR).

Local districts should establish those procedures necessary to provide demographic data to the SDE. Initially this should include a review of all school age children within the district and should thereafter provide procedures to insure accurate up-dating of both local and state level files.

Integrated Evaluation

As described previously, the goal is to develop an evaluation system that supports full educational opportunities for handicapped children. PL 94-142 specifies that such opportunities must be individually prescribed for each child. The vehicle which drives this requirement is the IEP and therefore the evaluation system must reflect the characteristics and requirements of the IEP. IEP requirements are specified on pages 65 to 69 and are based on the inclusion of the following elements:

1. The present levels of educational performance of the child derived from the diagnostic process.

2. Long term objectives based on annual achievement expectations.
3. Short term instructional objectives designed to accomplish long term objectives.
4. The specific educational services needed by each child determined without regard to the availability to those services.
5. The projected date for initiation and anticipated duration of the program services planned.
6. A description of the extent to which the child will participate in regular education program.
7. A justification for the type of educational placement which the child will have.
8. A list of the individuals who are responsible for implementation of the IEP.
9. Appropriate objective criteria and evaluation procedures and schedules.

The remainder of this section will describe how these elements can form the basis for the integrated evaluation system. In implementing the system, the SDE should consider the feasibility of developing and providing model recording forms for district use.

Classroom Requirements

The basic concern is with individual student performance on specified learning tasks. Classroom teachers should

develop procedures that permit them to assess this performance systematically and at short intervals so that appropriate adjustments can be made in learning tasks. The student performance assessment procedures should be related directly to long and short term objectives of the IEP and the learning tasks specified for them so that summary data on their accomplishment may be readily provided for the district.

LEA/IED Requirements

The LEA/IED is concerned with program quality and efficiency. In establishing its evaluation system, the LEA/IED must be cognizant of all aspects of its responsibilities to handicapped children, i.e., its process for identifying, screening, diagnosis, placement, and instruction (as guided by the IEP), protection of rights, etc. While many of these can be formally assessed annually, compliance with the provisions of the IEP should occur more frequently. For this purpose, the LEA/IED should establish procedures that permit collection of summary data for individual children within established programs. As a baseline, the LEA/IED should retain a copy of the current IEP for each handicapped child it serves. These may be used as a basis for review of pupil performance.

The LEA/IED should, at least three times each year, require a summary of IEP programs for each handicapped child. Classroom teachers/specialists will be the source

of this information. This summary should indicate, for each child, by short term objective and major long term objective, the date at which the learning activity was initiated and the date at which criterion was achieved. The LEA may then summarize, over children within programs, the number of activities underway and completed. By comparing planned dates of initiation and completion with actual dates, LEA/IED supervisors can spot productivity problem areas and take whatever supervisory action appears appropriate. The final summary during the year may provide the basis for the annual report to the SDE.

Other comparisons of quarterly data from classrooms can provide insights into the effectiveness of the diagnosis and IEP development processes and may be used by district personnel to identify areas of needed training for individuals and/or groups.

Having established local standards for classroom operation, it is recommended that local districts establish procedures for: (1) spot checking individual teacher/specialist performance, e.g., are they assessing student performance regularly, and (2) probing individual student performance, e.g., can students demonstrate proficiency in areas attested by teachers/specialists?

Local districts may also wish to initiate procedures for annual analyses of costs and benefits. The SDE should explore the feasibility of making available to districts the plan for

such studies developed by Manasse (1975). This procedure is based upon the current Oregon school accounting and budgetary system and utilizes achievement data compatible with that recommended in this State Master Plan.

SDE Requirements

The SDE should establish procedures by which local districts report annually on the activities of their established programs for handicapped children. These procedures should collect those data necessary for the SDE to determine whether or not the district is in compliance with state and federal legislation, rules and guidelines. Annual district reports should indicate for each child served: (1) whether diagnosis was completed; (2) the placement level; (3) that a parent approved IEP exists, and (4) the level of IEP accomplishment (number or percent of IEP objectives/goals attained). In addition, the annual report should contain a description of district identification, screening, diagnosis and placement processes and the district's assessment of the effectiveness of the processes.

Quality control measures enter the system at several points. Parental involvement in the process establishes some degree of quality assurance but is heavily dependent on the ability of parents to understand and assess the districts' programs in terms of their own desires for their child. To the extent that parents are informed and concerned, this

involvement is a useful indicator of quality. A second perspective on quality may be gained by district reports on specified attainment of IEP objectives. The SDE should consider development of criteria and standards to guide their review of these annual data. A third perspective may be gained from observations and assessments of program operation by SDE operations specialists, recommended in the Administrative/Organization section of this State Master Plan. These personnel should be familiar with the local programs which they serve and could be required to attest to program quality.

A thorough review of program quality and effectiveness should be conducted as part of the regular accreditation cycle established by the SDE. At the present time, this cycle is planned for six year intervals. It is recommended that the SDE Special Education and Accreditation staffs develop procedures jointly for this review.

Objective: To design and implement an evaluation and data system which would insure that the SDE, LEA's and IED's are in compliance with the State Master Plan and PL 94-142.

Implementation	Proposed Achievement Date
SDE:	
1. Examine each component of the Data and Evaluation section of the State Master Plan and develop plans for implementation.	June 1978
2. Continue to utilize the demographic and "child find" data system developed by the Task Force for Special Education.	June 1978
3. Modify the "child find" data system as needed when input from LEA/IED's indicate that changes are needed.	Sept. 1979
4. Establish a data repository for all demographic data on all handicapped children in Oregon.	Sept. 1979
5. Develop a format for the IEP's that are to be developed for each child. This product should include instructions for using the format.	Sept. 1977
6. Design and implement a plan to "field test" the format for the IEP's.	Sept. 1978
7. Develop format(s) for reporting all data on child performance and quality of IEP's for both the LEA/IED and SDE.	June 1979

	Proposed Achievement Date
8. Send a format for reporting all data to the LEA/IED with specific dates for reporting these data.	Sept. 1979
9. Insure that all formats for the collection of data will reflect the laws of confidentiality as specified in PL 94-142.	Sept. 1979
10. Provide technical assistance to LEA/IED's for the implementation of the design of IEP's and reporting demographic data.	Sept. 1979
11. Strongly recommend to IED/IED's that they implement regular, systematic collection of student performance data in their classrooms.	June 1980
12. Coordinate the activities related to implementation of this plan with other state agencies such as MHD, CSD, and others who serve handicapped children.	June 1980

	Proposed Achievement Date
LEA/IED:	
1. Provide training for teachers/specialists relative to systematic and short interval assessment of child performance.	June 1979
2. Develop and implement procedures that permit collection of summary data for IEP's at least three times per year.	June 1980
3. Develop and implement procedures for spot checking teacher/specialist performance relative to evaluation of child performance.	June 1980
4. Initiate procedures for annual analyses of costs and benefits.	June 1980
5. Comply with all procedures and standards related to evaluation as specified by SDE.	June 1980

ADMINISTRATION AND ORGANIZATION

Goal Statement:

Develop within the State Department of Education appropriate administrative structures which provide: (1) Maximum responsiveness to the identified educational needs of handicapped children in Oregon; (2) Progressive leadership in helping local school districts develop and provide full educational opportunities for the handicapped youth they serve, and (3) Viable systems for coordinating the special education services provided by other state and local agencies.

Delivery of special education services to Oregon children and youth is a massive process involving millions of dollars, thousands of people, hundreds of delivery points and at least three major state agencies. The size and complexity of the delivery task demands highly efficient and smooth running administrative machinery. The investigation which formed the basis for this plan revealed what other studies this year, and previously, have found, to wit: (1) the responsibility for special education programs in the state are fractionated among three major state agencies (SDE, MHD, CSD); (2) that more than one unit within agencies may serve special interests of handicapped youth; (3) that controversy still exists in distinguishing education from treatment, and (4) that lack

of coordination between agencies and within agencies precludes the smooth-functioning delivery of services to the handicapped. As a result in some instances children may go underserved.

The administrative plan recommended in this section is intended to alleviate the problems described above. Several principles are reflected in this basic plan.

1. In accordance with state and federal legislation, handicapped children and youth are entitled to the full range of educational programs and services.
2. The full range of educational programs and services, many of which currently are considered to be "treatment", must be provided in unified programs designed to promote optimum development of each child's potential.
3. The local school district is ultimately responsible for providing or causing to be provided, the full range of educational programs or service.
4. The SDE is responsible for facilitating the efforts of of local school districts to provide the full range of educational programs and services and, in so doing, to insure each handicapped child in Oregon access to appropriate educational programs and services and protection of his individual rights.
5. The SDE will serve as the single contact point between the local providing agency and the program and service support and funding mechanisms at the state and federal levels.

6. The SDE is responsible for providing long-range planning and leadership that will insure: (a) improved coordination of state and federal services, and (b) leadership in establishing improved service as evidenced by further research and development efforts.
7. The SDE will establish and insure maintenance of standards for operation of school programs within the state hospital and training centers and will operate the residential schools for sensory impaired children (OSSD, OSSB).
8. The SDE will be responsible for the evaluation of the state's efforts to meet the educational needs of handicapped children and will assist local delivery agencies evaluate their own programs and services.

If the conditions called for in these principles and in this State Master Plan are to be realized, some reorganization and realignment of responsibilities within SDE will have to be considered. Presently that portion of the SDE with special education responsibilities is organized as shown in Figure 2. As shown in Figure 2, the Special Education Division is organized primarily in terms of the various handicapping conditions which are predominant within Oregon. The existence of a strong rationale for such an organization is recognized. Such an organization permits SDE personnel to direct their attention to matters within their defined speciality areas and thereby

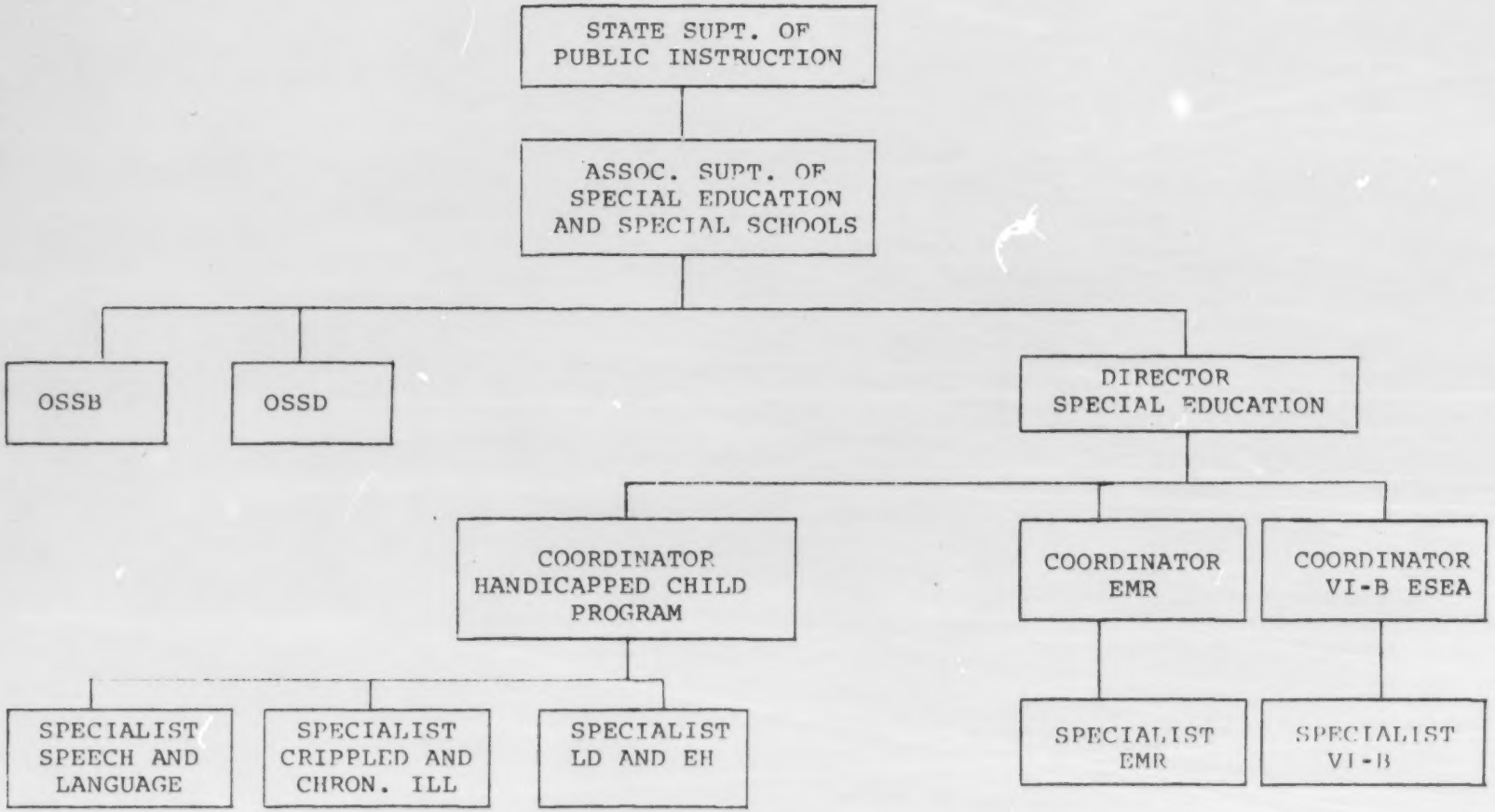


FIGURE 2

CURRENT ORGANIZATIONAL STRUCTURE OF SPECIAL EDUCATION DIVISION

maintain their currency and skill in a world of rapidly expanding knowledge and practice.

From the user's point of view however, the present organizational structure is less functional for two reasons. First, those programs serving needs in a variety of handicapping conditions may be faced with multiple contact points within the Special Education Division. Second, the small size of the present Special Education staff precludes opportunities for frequent contact between local districts and SDE Special Education specialists. The proposed organization will take both of these conditions into account by first restructuring the jobs and responsibilities within the Division and secondly by augmenting the present size. Finally, adjustment of the present structure is recommended to reflect specific features of state and federal legislation to which the State Master Plan is responsive and which have become effective subsequent to establishment of the present organizational structure.

The proposed organizational structure is based upon support functions rather than handicapping conditions. Thus, the proposed structure recognizes functional applications across the variety of conditions. This function-drive structure is recommended as a means to facilitate the delivery of services at the local level. Specifically, the functions include the following:

Special Schools Operation: The SDE should continue to maintain the responsibility for the operation of the two

residential schools for sensory impaired, i.e., the Oregon State School for the Deaf and the Oregon State School for the Blind. These two residential centers comprise an integral part of the total delivery system for handicapped children in the state. As residential schools, they should operate to serve the needs of those sensory impaired children who require more intensive care than would be available at the local level or within the presently operating regional programs for sensory impaired.

Coordination and Planning: A major function of the SDE should be to coordinate services at the state level assuring to those handicapped children in local programs the full range of services available through the state. The responsibility for this coordination function should be placed with the SDE. To realize this function initially, the SDE should establish a mechanism whereby regular contact between agencies at the state level is established and maintained. Establishment of a Coordinating Directorate is recommended to accomplish this mission initially. This coordination function should be formally recognized through changes in present state legislation which will give SDE responsibility for setting standards and monitoring effectiveness of special education for all handicapped children.

Organization should also reflect the responsibility of the SDE to conduct and implement long range planning of programs and services for handicapped youth. Since much of this planning will, at least initially, involve coordination

with other state level agencies, that function should be a joint coordination/planning function and is so recommended.

Operations: With the responsibility of delivery resting at the local level, this function has been included under the label of "operation" and within this function are included mechanisms whereby local school districts are supported in their efforts to establish and maintain programs. As part of the operations function, the SDE should establish standards which define full services for handicapped children and assist local districts, or in those cases where local districts are unable to provide the full range of services, assist combinations of districts to establish programs which meet the prescribed standards. In providing support to the local school districts, the operations portion of the SDE should be staffed with individuals who are able to maintain direct and constant contact with local districts or be maximally responsive to local district requests for assistance. In order to simplify local district operation, it is recommended that all contacts required by local districts be through operations personnel. It should be the responsibility of operations personnel to respond in whatever ways appropriate to assist the local districts to achieve their delivery responsibility. In developing this capability, the SDE may wish to consider assigning specialists to a particular geographic region. This will assist in determining how many specialists will be needed.

Support Services: As reflected in other areas of this

State Master Plan, the provision of full services to handicapped children and youth will require a variety of ranges of specialists and organizational assistance. These are organizationally included within the support services functions. These include the personnel development, finance, and public information functions. The Personnel Development Office should develop and maintain an inventory of the staff training needs at both the in-service and pre-service level, including those needs of administrative and regular classroom teachers. Specialists in this office would, therefore, have the responsibility for identification of immediate and long range training needs and manpower requirements. They would be responsible for developing or causing to be developed, programs to supply the manpower needs and to support the training needs at all levels within the state. The Finance Office would monitor district requests for support and coordinate the funds available from various sources to be made available to the local district. The Public Information Office would establish and maintain programs that insure a total awareness on the part of parents, professionals and the public at large, of programs available to handicapped children and how children may be served by those programs.

Evaluation

The Evaluation Office rounds out the major responsibilities of the SDE. Included within its responsibilities are the: (1) identification and tracking of handicapped children and youth; (2) assessment of student performance, and (3) program evaluation. Generally this office will serve

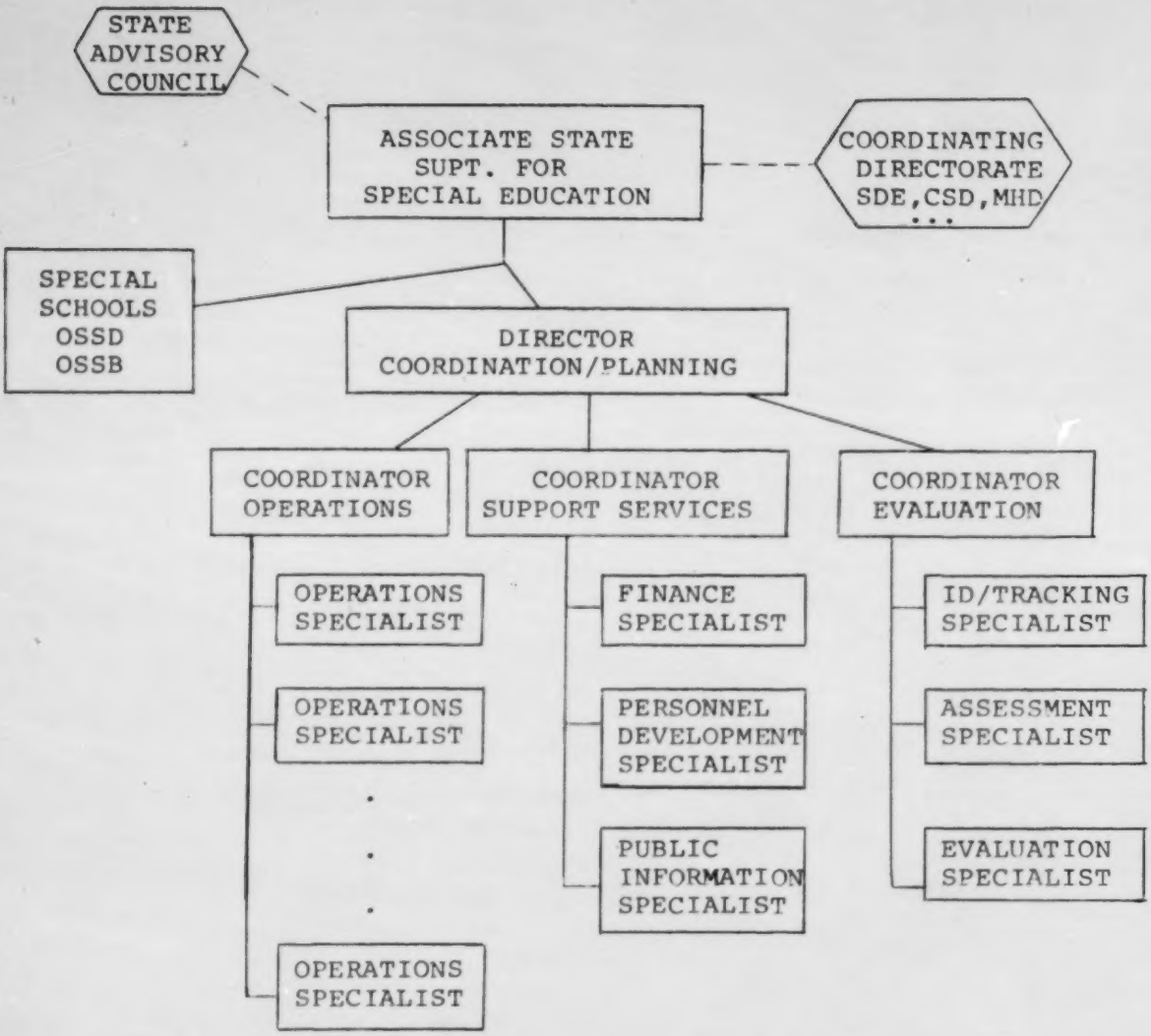


FIGURE 3

PROPOSED ORGANIZATIONAL STRUCTURE
OF THE SPECIAL EDUCATION DIVISION,
STATE DEPARTMENT OF EDUCATION

to provide formative evaluation information to the Director that will facilitiate his efforts to coordinate services to local districts and assist him in his long-range planning efforts. In addition the office will serve to assist local districts in the evaluation of their programs.

The proposed organizational structure is shown in Figure 3.

Objective: Offices and functions of the SDE will be restructured as specified by the State Master Plan for Special Education.

Implementation:	Proposed Achievement Date
SDE:	
1. Develop Manning Tables consistent with proposed organizational structure and population of school districts requiring service.	Sept. 1978
2. Establish offices and functions consistent with revised Manning Tables and the State Master Plan.	Sept. 1979
3. Review, modify, and/or develop program standards consistent with current requirements of state and federal legislation and State Master Plan.	Sept. 1979

	Proposed Achievement Date
4. Inform school districts and others of operating rules, regulations and standards.	Sept. 1979

Objective: Policies and procedures will be established for the inter-agency coordination of special education in Oregon.

Implementation:	Proposed Achievement Date
SDE:	
1. Establish a Coordinating Directorate consisting of key representatives of each state level agency serving handicapped children.	Sept. 1978
2. Prepare legislation for presentation to the next regular session of the state legislature which will amend necessary state laws to allow SDE to set standards and monitor effectiveness of special education for all handicapped children.	Sept. 1979

	Proposed Achievement Date
Coordinating Directorate:	
1. Develop mechanism for coordinating services and support in accordance with existing state and federal legislation and the State Master Plan.	Sept. 1979
2. Determine impact of SDE maintenance of major contact with local districts on stablizing levels of other provider agencies.	Sept. 1979
3. Develop request to redeploy manpower to SDE as dictated by #2 above.	Sept. 1980

FINANCE OF SPECIAL EDUCATION

Goal Statement:

Full educational opportunities for all handicapped children in Oregon will be provided through the adequate provision and management of financial resources at all administrative levels.

Critical to the implementation of full educational opportunities for all handicapped children in Oregon is the adequate provision and management of financial resources to support special education.

This section of the State Master Plan will address the financing of special education in Oregon by: (1) identifying major sources of funding available in the state; (2) suggesting a process for the coordinated management of those funds; (3) identifying problems and recommending guidelines for the distribution of state and federal monies to school districts, and (4) presenting an overview of the cost of implementation of the goals and objectives presented in this plan.

Major Sources of Funding for Special Education

As indicated throughout this plan where descriptions of current special education services are presented, the provision of education for handicapped children is complex relative to its administration. As might be expected when a complex administrative system is present, the generation and allocation

of funds is also complex. Identified in the following display are the major administrative agencies involved with special education, their major sources of funds, and the area of expenditure of those funds for special education.

The generation of identified funds for disbursement by various agencies is essentially controlled by the responsibility given those agencies by state and/or federal law. Without legislation which clarifies some of the problems associated with current responsibility, present funding generation and disbursement will remain unchanged. This, unfortunately, causes budgeting problems for direct service providers in that multiple funding sources and uncertain appropriation levels are encountered. This often causes the direct service provider to "shop" for financial assistance.

Coordinated Management of Special Education Funds

Throughout this document agency coordination has been a key to full service provision. That key is also applicable to the provision and management of financial resources.

Each agency involved with special education, from the local school to the federal government, operates under the constraints of its administrative rules. Each must respond to established lines of authority and established budgetary processes. However, a coordinated effort relative to the focus of appropriations and expenditures will greatly assist in insuring that stated goals and objectives for the provision of full educational opportunities are accomplished.

Administrative Agency	Fund Source	Special Education Expenditure
Local Education Agency	General District Levy	1. Total cost of educating handicapped children in district. (Partial reimbursement of education provided through state and federal funds.)
Intermediate Education District	General County Levy	1. Total cost of educating handicapped children in districts which request assistance through resolution or contact. (Partial reimbursement of education provided through state and federal funds.)
State Department of Education	State General Funds	1. Basic school support for all children (ADM) in school district. 2. Reimbursement of approved special education costs in school districts. 3. Education programs for handicapped in hospitals. 4. Programs for handicapped in regional centers. 5. Educational Evaluation Center, Oregon College of Education. 6. Programs for the Deaf/Blind. 7. Oregon State School for the Blind. 8. Oregon State School for the Deaf.

Administrative Agency	Fund Source	Special Education Expenditure
State Department of Education	Federal:	
	EHA, Title VI-B, 93-380 (to 1976-77)	1. Initiate, expand, and improve educational and related services to handicapped preschool, elementary and secondary children.
	EHA, Title VI-B, 94-142 (begin 1977-78)	1. Assistance for education of all handicapped children.
	EHA, Title VI-C, 93-380	1. Centers and services for deaf/blind children.
	EHA, Title VI-D, 93-380/94-142	1. Training personnel for the education of the handicapped.
	ESEA, Title I, 89-313	1. Education of the handicapped in regional centers, OSSB, OSSD, hospitals.
	ESEA, Title IV-C, 93-380	1. Grants for innovative and exemplary programs.
	Vocational/Career Education Act 1968, 90-576	1. Vocational and career educational services to handicapped children and youth.

Administrative Agency	Fund Source	Special Education Expenditure
Mental Health Division	State General Funds	1. Excess cost reimbursement to districts providing programs for trainable mentally retarded. 2. Grants to programs for preschool MR/DD. 3. Educational programs at State Hospitals and training centers for mentally retarded.
	Federal:	
	ESEA Title I - PL 89-313	1. Supplemental and support of programs for trainable mentally retarded. 2. Education programs at State Hospitals and training centers for mentally retarded.
Children's Services Division	State General Funds	1. Education programs for residential treatment centers under CSD jurisdiction.
Vocational Rehabilitation Division	State General Funds State Workman's Compensation Board	1. Provision and purchase of educational services for clients appropriate to VRD.
	Federal:	

Administrative Agency	Fund Source	Special Education Expenditures
Vocational Rehabilitation Division (continued)	Rehabilitation Act of 1973 and subsequent amendments Social Security Act Titles II, XVI	1. Provision and purchase of educational services for clients appropriate to VRD.

Joint Planning

State level agencies which disburse state general fund monies for special education and also act as administrative agencies for federal monies should develop both inter-agency and intra-agency procedures for joint planning relative to the focus of appropriations and expenditures. Through such an effort data analysis resulting from the centralized data system set forth on pages 113-126 of this plan could be used to greater advantage in accomplishing special education goals and objectives. Statewide priorities would be more clearly delineated. Potential areas of overlapping funding would be minimized. Information relative to all potential federal funding would be available. Direct service providers would have clearer definitions of available support from which to plan at the local level.

State Department of Education as Coordinator

With the major responsibility for special education resting with the Special Education Division of SDE it is most logical that that Division act as coordinator for a joint planning effort. In the role of coordinator, personnel from SDE would:

1. Establish lines of communication with appropriate personnel in other agencies.
2. Convene and chair planning meetings at appropriate times of the budget year.
3. Supply analysis of data relative to the needs of special education in the state.

4. Disseminate decisions resulting from the joint planning effort to direct service providers.
5. Provide summaries of the impact of state funding as determined by the evaluation and data system set forth on pages 113 to 126 of this plan.

State Department of Education as a Clearinghouse for Funding Information

To alleviate the problems of direct service providers of "shopping" for financial resources and/or not knowing where to obtain funds, the Special Education Division of SDE should establish a central information repository for all available state and federal funds. From such a clearinghouse activity a direct service provider should be able to:

1. Obtain information about available resources, the criteria for obtaining those resources, and their eligibility for obtaining those resources.
2. Obtain the necessary information about where to obtain documents for application for such resources.
3. Where appropriate, obtain resources through SDE.

Objective: Financial resource appropriation and allocation for special education at the state level will be accomplished as a result of joint planning by appropriate state agencies.

Implementation	Proposed Achievement Date
SDE:	
1. Coordinate joint fiscal planning for special education by state level agencies by:	Sept. 1979
(a) Establishing lines of communication with appropriate personnel in agencies.	
(b) Convene and chair planning meetings at appropriate times of the budget year.	
(c) Supply analysis of data relative to state special education needs to the planning committee.	
(d) Disseminate decisions resulting from the joint planning effort to direct service providers.	
(e) Provide summaries of the impact of state funding as determined through established evaluation systems.	
2. Establish a funding information clearinghouse capability.	Sept. 1979
LEA/IED:	
1. Obtain and utilize state level financial resources as determined by state level joint planning decisions.	Sept. 1979

Distribution of State and Federal Monies to School Districts

This section deals primarily with the SDE's ability to: (1) reimburse school districts for a portion of those costs related to special education, and (2) distribute federal funds to districts made available through PL 94-142. The following is a brief history of the state's experience in both of these areas.

Reimbursement to Districts

At the present time the State of Oregon uses an approved cost procedure to reimburse school districts for special education costs. OAR 581-15-045 identifies the items that can be approved for reimbursement for instructional services to handicapped children. ORS 343.281 establishes a procedure whereby the state may reimburse up to a maximum of 30% of approved costs to the local school districts. This approved cost procedure is a type of excess cost formulation. However, in the past it has been extremely difficult to separate the general education costs from those individual costs that are directly related to special education. It appears that the approved costs are not sufficiently defined to provide a uniform basis for computing costs across districts and, therefore, inequities have frequently occurred.

Another major difficulty with the existing reimbursement procedures is the prorata clause on state reimbursement (ORS 343.281(3). At the present time the legislature has authorized that school districts can be reimbursed for 30% of the approved special education costs. At the same time the legislature has

appropriated less money for the biennium than would be required if 30% each year were to be reimbursed. The prorata clause in essence, allows for the full expenditure of the 30% reimbursement in the first year of the biennium while leaving somewhere between 8% and 10% to be reimbursed in the second year. The following is a brief description of the 1975-1977 biennium funding picture:

> In the fiscal year 1975-76 the total amount of the claims approved as allowable costs for special education programs was $20,101,136. $6,030,340 was paid to school districts during that fiscal year which accounts for a 30% reimbursement rate. The projected costs for the second year of the biennium, 76-77, are $24,740,288. If this is to be reimbursed at the 30% rate it will require the state spend $7,422,086. The difficulty will occur in the second year because the total allotment for the biennium was $7,132,770. This means that the state will be short $6,319,656 if it attempts to reimburse at the 30% rate during the second year. An additional one million dollars was set aside by the legislature to be placed in the Emergency Board for special education reimbursement should the need arise. Even with this additional $1,000,000 the state will be $5,319,656 short of making the full 30% reimbursement. Since there was no statement accompanying the allocation concerning how the money was to be distributed over the two years of the biennium, the Attorney General ruled that districts should be reimbursed at the full 30% rate the first year. This leaves enough money for approximately 9% reimbursement rate for the second year.

Alternatives

There are at least three alternatives to be considered in developing a state reimbursement plan. The first alternative is to move to a true excess cost basis for reimbursement to school districts. A formula and set of procedures

for developing this approach has been proposed in the recent Arthur Young Study of the State Board of Education. The implementation of these procedures would insure that a more precise definition of excess costs would be used across all districts and an accounting system would be employed that would allow the expenditures to be carefully monitored. In the Summary Report of the Arthur Young Study it is indicated that severe discrepancies exist between the type of accounting and auditing procedures required to operate on a truly excess cost basis and what presently exists both at the State Department and at the local education agency. Bringing these activities in line with an excess cost approach would appear to require a major effort and a considerable expenditure of funds.

Another alternative is to reimburse school districts on a per capita basis using a weighted system for the various handicapping conditions. In essence, this would allow school districts to be reimbursed based on the number of children that they are presently serving by handicapping conditions. Establishing a weighted formula is a difficult task for the same reasons that the excess cost formula is burdensome; it is difficult to isolate those costs that are truly related to each handicapping condition. It also tends to use averages, therefore, it can be reasonably expected that the similar school districts will be placed in an unfair position because they have fewer numbers of children and programs on which to compute the costs. The larger districts would benefit from this approach considering the large number of related services

that they have available.

The third alternative is a revision of the approved cost program that is presently in existence. The SDE has two years of experience with the approved cost program, therefore, an existing data base on district claims which should provide the basis for future years planning. The SDE also has the results of the Arthur Young Study that indicate where discrepancies between approved costs and actual costs exist in many local education agencies. It would seem reasonable to assume that by using this information and further examination of the approved items for reimbursement (OAR 51-15-045), it would be possible to redefine those items in such a manner that it would allow for equitable reimbursement of district claims across districts. In order to accomplish this it will be necessary to design a reporting format for districts based on the redefined items for approved reimbursement and subsequently conduct in-service training with school districts relative to the completion of these reporting forms. With this approach, the state can achieve equitable distribution of funds while also providing statewide consistency as to the interpretation and reporting of those approved costs.

In addition, this plan recommends that the SDE use the existing data over the last biennium from district claims on approved costs, plus the newly instituted biannual "child find" studies, to establish a projected expenditure need for the next biennium. There would appear to be a solid basis for judging the number of dollars required to support special

education programs at the 30% reimbursement level for the next two years based on the past two years performance. (The present Governor's recommended budget for the 1977-1979 Biennium requests an appropriation of $16,000,000. This would in fact meet the projected needs at the 30% reimbursement level.)

While the legislature is encouraged to support the full amount recommended in the Governor's budget, it is also encouraged to make a definite statement as to the dollars to be expended in each year of the biennium. By specifying the amount of dollars to be expended for state reimbursement of special education programs, it will avoid the drastic fluctuations in monies available to the district that presently occurs and typically requires an attorney general's opinion. In the past, when this opinion was required, it resulted in the full 30% being spent in the first year and a prorata amount in the second year which invariably resulted in a drastic reduction of monies available to districts. This statement concerning annual allotment will provide districts with a much more sound basis for program planning over the biennium.

The Governor's budget presently includes sufficient monies to reimburse school districts on a 30% approved cost basis for special education costs, however, this plan suggests that the legislators are encouraged to examine the feasibility of reimbursing programs at the 50% level. This is consistent with the Legislative Interim Report on Education 1973-75. A recent comprehensive study in Pennsylvania, Special Education

Quality Cost Effectiveness Study 1976, indicates that the average costs for conducting special education programs across all handicapping conditions averages from three to three and a half times the regular education costs. These figures would seem to indicate that an extreme burden is placed on the local education agency to appropriate the necessary dollars to provide a quality education program for the handicapped student. By putting it on a 50% reimbursement basis for excess costs, it at least makes the state and the local education district equal partners in the education of handicapped students.

Federal Allotment

In FY 1977-78, the monies attached to Public Law 94-142 will be available to the state of Oregon in the approximate amount of $2,400,000. In light of the total state needs for support dollars for special education programs, it is hardly a significant amount at the present time. The law clearly states that these monies were not intended to supplant but to allow the states to improve the quality of their programs and to be in compliance with federal law.

During the first year 50%, or approximately $1,200,000, of these monies is to be given to districts on a per capita basis for direct services for handicapped children. The remaining 50% is to be used by the SDE for administrative services, direct services, or support services.

The strategy employed by the SDE in the past to expend these dollars (Title VI Part B) has been highly successful with recent data indicating that 80% of the projects initially

supported by VI-B dollars are still operational in the state of Oregon on other funding basis. Obviously the program has had a tremendous affect as seed money for school districts to initiate needed special education programs. With the implementation of PL 94-142 a great amount of work will be necessary to help school districts comply with the law. Therefore, the State Master Plan is recommending that the monies available to the SDE under PL 94-142 be used to offset these additional costs.

Priorities of activities have been set forth in another portion of this plan and should be supported as much as possible through the SDE share of PL 94-142 funds. This approach allows the SDE to have maximum flexibility and provide leadership in terms of focusing the state's energies to overcome a series of new problems that are sure to arise as school districts implement the intent of the law.

Objective: The SDE will reimburse school district claims for special education costs in an equitable and efficient manner.

Implementation	Proposed Achievement Date
SDE:	
1. Refine the definitions of approved costs (ORS 581-15-045) to reduce the uncertainties in the present list.	Sept. 1978
2. Develop a format to allow the districts to uniformly report their claims.	Sept. 1978

	Proposed Achievement Date
3. Provide in-service training to districts on the new definitions of approved costs and a reporting format.	Jan. 1979
4. Pursue the possibility of incorporating the audit function for special education approved costs in with the regular education audit procedures presently used in the school district.	Sept. 1979
LEA/IED:	
1. Define approved costs according to SDE regulations and report claims.	Sept. 1979
2. Audit the special education expenditures to insure their appropriateness.	Sept. 1979

Objective: The SDE will disperse PL 94-142 funds to districts to assist them in providing a full service education program.

Implementation	Proposed Achievement Date
SDE:	
1. Alert districts to the federal regulations regarding the LEA applications.	Sept. 1977

	Proposed Achievement Date
2. Develop a format for the LEA applications.	June 1978
3. Monitor the LEA contract for compliance.	Sept. 1978
LEA/IED:	
1. Develop an application for the SDE that adheres to the federal regulations.	Sept. 1977
2. Establish an auditing procedure that will allow documentations of expenditures of federal funds.	Sept. 1978

Implementation of the State Master Plan for Special Education

Implementation of the activities of this State Master Plan will have financial impact at two different administrative levels. First, the LEA/IED or other direct service providers will experience an increase in the funding level needed to support special education. This increase will vary greatly within the state due to the fact that some districts already have a number of the required activities implemented under their present funding structure while other districts have few or none. It is impossible at this point to project these local costs without a major study of present district compliance and their various funding structures. Further, these district costs of implementation will have direct impact on state general fund dollars in terms of reimbursement of approved or excess cost for districts.

The above identified activities can be classified as normal costs of special education, i.e., while some initial increased costs may be experienced, these costs can be identified as on-going, regular costs of special education. There are, however, a group of activities which are the responsibility of the SDE which can be identified as special costs, i.e., they are a one-time expense or represent additional expenses new to special education in the state.

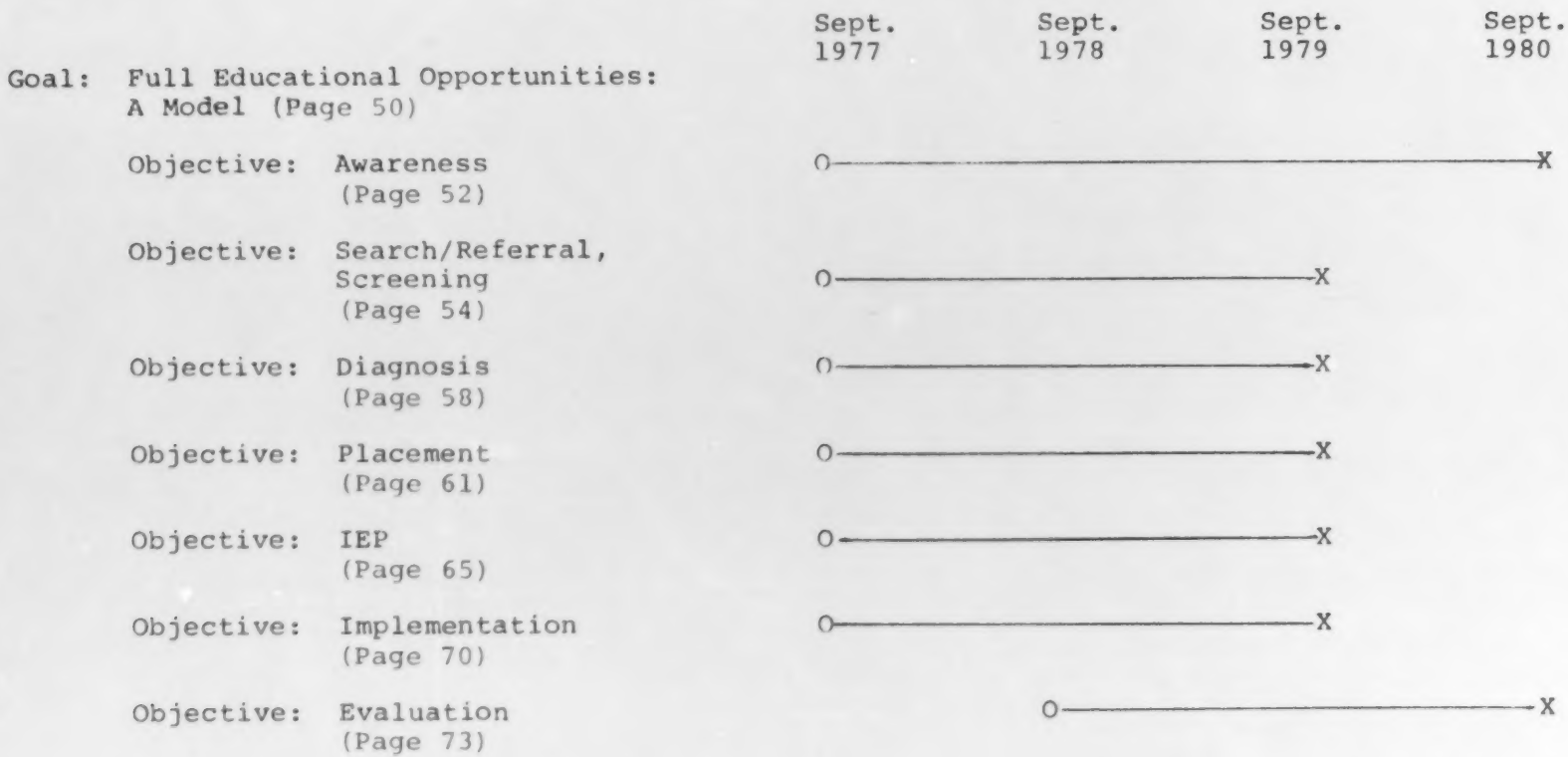
The central issue relating to the success of the SDE to implement the additional activities required center around the establishment of additional staff positions for the Special Education Division. The addition of these staff members will be sufficient to accomplish most of the new activities required. There are, however, some functions or activities that will require additional financial support even with the addition of new staff positions.

As recommended earlier in this Finance section, the cost of these additional activities should be offset by 94-142 monies retained at the SDE level.

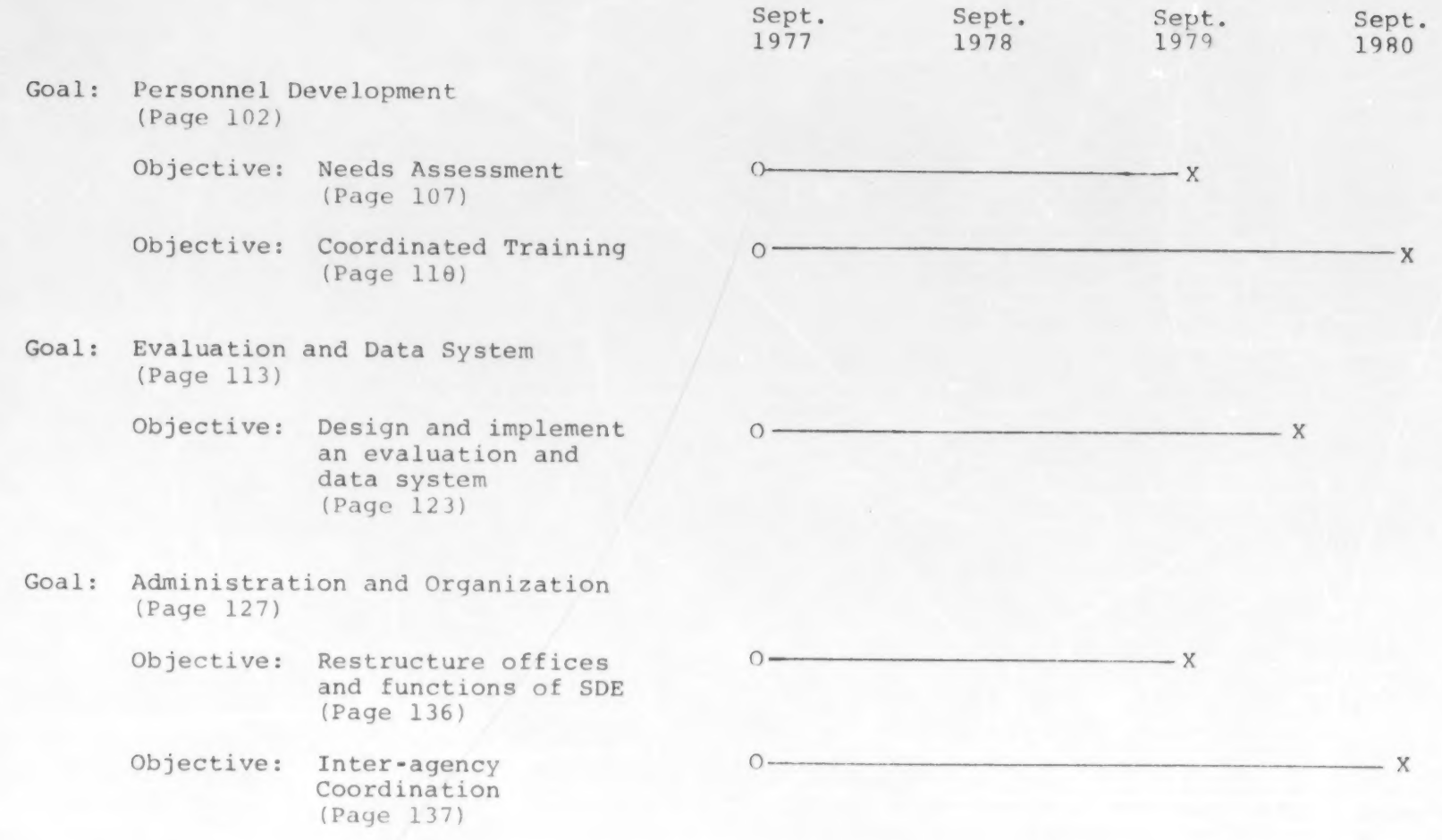
The items identified in the section below represent the activities or functions across each major area of the State Master Plan that will require additional support over and above what would normally be accomplished by the addition of staff members to newly defined job roles and functions.

Plan Section	Special Costs
Full Educational Opportunities	1. Awareness activities.
	2. Child count activities.
	3. Assessment and establishment of a diagnostic network.
Protection of Individual Rights	1. Information campaign to inform the public of the rights of handicapped children and their parents or guardian.
Personnel Development	1. Needs assessment.
	2. Training.
Evaluation	1. Central data repository.
Administration	1. Four to five staff positions.
	2. Reorganization activities.
	3. Coordination activities.
Finance	1. Further defining of approved costs.
	2. Development of audit procedures.
	3. Increased support of LEA's by State.

MAJOR GOALS AND OBJECTIVES TIMELINES


Sept. 1977
Sept. 1978
Sept. 1979
Sept. 1980
Goal: Full Educational Opportunities: A Model (Page 50)
Objective: Awareness (Page 52)
Objective: Search/Referral, Screening (Page 54)
Objective: Diagnosis (Page 58)
Objective: Placement (Page 61)
Objective: IEP (Page 65)
Objective: Implementation (Page 70)
Objective: Evaluation (Page 73)
Goal: Protection of Individual Rights (Page 76)
Objective: Develop and implement procedures for protection of individual rights (Page 100)
Key
O = starting date
X = achievement date

MAJOR GOALS AND OBJECTIVES TIMELINES
(continued)



MAJOR GOALS AND OBJECTIVES TIMELINES
(continued)

		Sept. 1977	Sept. 1978	Sept. 1979	Sept. 1980
Goal:	Finance of Special Education (Page 139)				
Objective:	Joint Planning (Page 146)	O		X	
Objective:	Equitable and efficient reimbursement (Page 154)	O		X	
Objective:	Disperse 94-142 funds (Page 155)	O	X		

Key
O = starting date
X = achievement date

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